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OF THE

LAWS, REGULATIONS ETC.,

OF THE

INDIAN BUREAU.

1850.

U. S. Office of Indian Affairs



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## TWO ACTS IN RELATION TO INDIAN AFFAIRS.

AN ACT to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all that part of the United States west of the Mississippi, and not within the States of Missouri and Louisiana, or the Territory of Arkansas; and, also, that part of the United States east of the Mississippi river, and not within any State to which the Indian title has not been extinguished, for the purposes of this act, be taken and deemed to be the Indian country.

SEC. 2. *And be it further enacted,* That no person shall be permitted to trade with any of the Indians, (in the Indian country,) without a license therefor from a superintendent of Indian affairs, or Indian agent, or sub-agent; which license shall be issued for a term not exceeding two years for the tribes east of the Mississippi, and not exceeding three years for the tribes west of that river. And the person applying for such license shall give bond in a penal sum not exceeding five thousand dollars, with one or more sureties, to be approved by the person issuing the same, conditioned that such person will faithfully observe all the laws and regulations made for the government of trade and intercourse with the Indian tribes, and in no respect violate the same. And the superintendent of the district shall have power to revoke and cancel the same, whenever the person licensed shall, in his opinion, have transgressed any of the laws or regulations provided for the government of trade and intercourse with the Indian tribes, or that it would be improper to permit him to remain in the Indian country. And no trade with the said tribes shall be carried on within their boundary, except at certain suitable and convenient places, to be designated from time to time by the superintendents, agents, and sub-agents, and to be inserted in the license. And it shall be the duty of the persons granting or revoking such licenses forthwith to report the same to the Commissioner of Indian Affairs for his approval or disapproval.

SEC. 3. *And be it further enacted,* That any superintendent or agent may refuse an application for a license to trade if he is satisfied that the applicant is a person of bad character, or that it would be improper to permit him to reside in the Indian country; or if a license, previously granted to such applicant, has been revoked, or a forfeiture of his bond decreed. But an appeal may be had from the agent or the superintendent to the Commissioner of Indian Affairs; and the President of the United States shall be authorized, whenever in his opinion the public interest may require the same, to prohibit the introduction of goods, or of any particular article, into the country belonging to any Indian tribe, and to direct all licenses to trade with such tribe to be revoked, and all applications therefor to be rejected; and no trader to any other tribe shall, so long as such prohibition may continue, trade with any Indians of, or for, the tribe against which such prohibition is issued.

SEC. 4. *And be it further enacted,* That any person, other than an Indian, who shall attempt to reside in the Indian country as a trader, or

to introduce goods, or to trade therein without such license, shall forfeit all merchandise offered for sale to the Indians, or found in his possession, and shall, moreover, forfeit and pay the sum of five hundred dollars.

SEC. 5. *And be it further enacted*, That no license to trade with the Indians shall be granted to any persons *except citizens of the United States*: *Provided*, That the President shall be authorized to allow the employment of foreign boatmen and interpreters, under such regulations as he may prescribe.

SEC. 6. *And be it further enacted*, That if a foreigner shall go into the Indian country without a passport from the War Department, the superintendent, agent, or sub-agent of Indian affairs, or from the officer of the United States commanding the nearest military post on the frontiers, or shall remain intentionally therein after the expiration of such passport, he shall forfeit and pay the sum of one thousand dollars; and such passport shall express the object of such person, the time he is allowed to remain, and the route he is to travel.

SEC. 7. *And be it further enacted*, That if any person, other than an Indian, shall, within the Indian country, purchase or receive of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry or cooking utensils, of the kind commonly obtained by the Indians in their intercourse with the white people, or any other article of clothing except skins or furs, he shall forfeit and pay the sum of fifty dollars.

SEC. 8. *And be it further enacted*, That if any person, other than an Indian, shall, within the limits of any tribe with whom the United States shall have existing treaties, hunt, or trap, or take and destroy any peltries, or game, except for subsistence, in the Indian country, such person shall forfeit the sum of five hundred dollars, and forfeit all the traps, guns, and ammunition in his possession, used or procured to be used for that purpose, and peltries so taken.

SEC. 9. *And be it further enacted*, That if any person shall drive, or otherwise convey, any stock of horses, mules, or cattle, to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, such person shall forfeit the sum of one dollar for each animal of such stock.

SEC. 10. *And be it further enacted*, That the superintendent of Indian affairs, and Indian agents, and sub-agents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the President of the United States is authorized to direct the military force to be employed in such removal.

SEC. 11. *And be it further enacted*, That if any person shall make a settlement on any lands belonging, secured, or granted, by treaty with the United States, to any Indian tribe, or shall survey, or shall attempt to survey, such lands, or designate any of the boundaries, by marking trees, or otherwise, such offender shall forfeit and pay the sum of one thousand dollars. And it shall, moreover, be lawful for the President of the United States to take such measures, and to employ such military force as he may judge necessary, to remove from the lands as aforesaid any such person as aforesaid.

SEC. 12. *And be it further enacted*, That no purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution. And if any person, not employed under the authority of the United States, shall attempt to negotiate such treaty



or convention, directly or indirectly, to treat with any such nation or tribe of Indians for the title or purchase of any lands by them held or claimed, such person shall forfeit and pay one thousand dollars: *Provided, nevertheless,* That it shall be lawful for the agent or agents of any State who may be present at any treaty held with Indians under the authority of the United States, in the presence and with the approbation of the commissioner or commissioners of the United States appointed to hold the same, to propose to, and adjust with, the Indians, the compensation to be made for their claim to lands within such State, which shall be extinguished by treaty.

SEC. 13. *And be it further enacted,* That if any citizen or other person, residing within the United States or the territory thereof, shall send any talk, speech, message, or letter, to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or other law of the United States, or to disturb the peace and tranquility of the United States, he shall forfeit and pay the sum of two thousand dollars.

SEC. 14. *And be it further enacted,* That if any citizen or other person shall carry or deliver any such talk, message, speech, or letter, to or from any Indian nation, tribe, chief, or individual, from or to any person or persons whatsoever residing within the United States, or from or to any subject, citizen, or agent of any foreign power or State, knowing the contents thereof, he shall forfeit and pay the sum of one thousand dollars.

SEC. 15. *And be it further enacted,* That if any citizen or other person, residing or living among the Indians, or elsewhere within the territory of the United States, shall carry on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, chief, or individual, to war against the United States, or to the violation of any existing treaty; or in case any citizen or other person shall alienate, or attempt to alienate, the confidence of any Indian or Indians from the government of the United States, he shall forfeit the sum of one thousand dollars.

SEC. 16. *And be it further enacted,* That where, in the commission, by a white person, of any crime, offence, or misdemeanor within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offence, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed. And if such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the treasury of the United States: *Provided,* That no such Indian shall be entitled to any payment out of the treasury of the United States for any such property, if he, or any of the nation to which he belongs, shall have sought private revenge, or attempted to obtain satisfaction by any force or violence: *And provided also,* That if such offender cannot be apprehended and brought to trial, the amount of such property shall be paid out of the treasury as aforesaid.

SEC. 17. *And be it further enacted,* That if any Indian or Indians belonging to any tribe in amity with the United States shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy, any horse, horses, or other property belonging to any citizen

or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or sub-agent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which said Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, it shall be the duty of such superintendent, agent, or sub-agent, to make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury; and, in the meantime, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party so injured an eventual indemnification: *Provided*, That if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That unless such claim shall be presented within three years after the commission of the injury, the same shall be barred. And if the nation or tribe to which such Indian may belong receive an annuity from the United States, such claim shall, at the next payment of the annuity, be deducted therefrom and paid to the party injured;\* and if no annuity is payable to such nation or tribe, then the amount of the claim shall be paid from the treasury of the United States: *Provided*, That nothing herein contained shall prevent the legal apprehension and punishment of any Indians having so offended.

SEC. 18. *And be it further enacted*, That the superintendents, agents, and sub-agents, within their respective districts, be, and are hereby, authorized and empowered to take depositions of witnesses touching any depredations within the purview of the two preceding sections of this act, and to administer an oath to the deponents.

SEC. 19. *And be it further enacted*, That it shall be the duty of the superintendents, agents, and sub-agents to endeavor to procure the arrest and trial of all Indians accused of committing any crime, offence, or misdemeanor, and all other persons who may have committed crimes or offences within any State or Territory, and have fled into the Indian country, either by demanding the same to the chiefs of the proper tribe, or by such other means as the President may authorize; and the President may direct the military force of the United States to be employed in the apprehension of such Indians, and also in preventing or terminating hostilities between any of the Indian tribes.

SEC. 20.† *And be it further enacted*, That if any person shall sell, ex-

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\* Amended as follows by act approved February 28, 1859:

SECTION 8. *And be it further enacted*, That so much of the act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June thirtieth, eighteen hundred and thirty-four, as provides that the United States shall make indemnification out of the treasury for property taken or destroyed, in certain cases, by Indians trespassing on white men as described in said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities as provided in said act.

† Amended as follows by act approved February 13, 1862: That the twentieth section of the "act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June thirtieth, eighteen hundred and thirty-four, be, and the same is hereby, amended, so as to read as follows, to wit:

"SEC. 20. *And be it further enacted*, That if any person shall sell, exchange, give, barter, or dispose of any spirituous liquor or wine to any Indian under the charge of any Indian superintendent or Indian agent appointed by the United States, or shall introduce, or attempt to introduce, any spirituous liquor or wine into the Indian country, such person, on con-



change, or give, barter, or dispose of, any spirituous liquor or wine to an Indian, (in the Indian country,) such person shall forfeit and pay the sum of five hundred dollars; and if any person shall introduce, or attempt to introduce, any spirituous liquor or wine into the Indian country, except such supplies as shall be necessary for the officers of the United States and troops of the service, under the direction of the War Department, such person shall forfeit and pay a sum not exceeding three hundred dollars; and if any superintendent of Indian affairs, Indian agent, sub-agent, or commanding officer of a military post, has reason to suspect, or is informed, that any white person or Indian is about to introduce, or has introduced, any spirituous liquor or wine into the Indian country, in violation of the provisions of this section, it shall be lawful for such superintendent, Indian agent, or sub-agent, or military officer, agreeably to such regulations as may be established by the President of the United States, to cause the boats, stores, packages, and places of deposit of such person to be searched, and if any such spirituous liquor or wine is found, the goods, boats, packages, and peltries of such persons shall be seized and delivered to the proper officer, and shall be proceeded against by libel, in the proper court, and forfeited, one-half to the use of the informer, and the other half to the use of the United States; and if such person is a trader, his license shall be revoked, and his bond put in suit. And it shall, moreover, be lawful for any person in the service of the United States, or for any Indian, to take and destroy any ardent spirits or wine found in the Indian country, excepting military supplies, as mentioned in this section.

SEC. 21. *And be it further enacted*, That if any person whatever shall, within the limits of the Indian country, set up or continue any distillery for manufacturing ardent spirits, he shall forfeit and pay a penalty of one thousand dollars; and it shall be the duty of the superintendent of Indian affairs, Indian agent, or sub-agent, within the limits of whose agency the same shall be set up or continued, forthwith to destroy and break up the same; and it shall be lawful to employ the military force of the United States in executing that duty.

SEC. 22. *And be it further enacted*, That in all trials about the right of property, in which an Indian may be a party on one side and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership.

SEC. 23. *And be it further enacted*, That it shall be lawful for the military force of the United States to be employed, in such manner

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viction thereof before the proper district court of the United States, shall be imprisoned for a period not exceeding two years, and shall be fined not more than three hundred dollars: *Provided, however*, That it shall be a sufficient defence to any charge of introducing, or attempting to introduce, liquor into the Indian country if it be proved to be done by order of the War Department, or of any officer duly authorized thereto by the War Department. And if any superintendent of Indian affairs, Indian agent, or sub-agent, or commanding officer of a military post, has reason to suspect, or is informed, that any white person or Indian is about to introduce, or has introduced, any spirituous liquor or wine into the Indian country, in violation of the provisions of this section, it shall be lawful for such superintendent, agent, sub-agent, or commanding officer to cause the boats, stores, packages, wagons, sleds, and places of deposit of such persons to be searched; and if any such liquor is found therein, the same, together with the boats, teams, wagons, and sleds used in conveying the same, and also the goods, packages, and peltries of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited—one-half to the informer, and the other half to the use of the United States; and if such person be a trader, his license shall be revoked and his bond put in suit. And it shall moreover be lawful for any person in the service of the United States, or for any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department; and in all cases arising under this act Indians shall be competent witnesses.



and under such regulations as the President may direct, in the apprehension of every person who shall or may be found in the Indian country in violation of any of the provisions of this act, and him immediately to convey from said Indian country, in the nearest convenient and safe route, to the civil authority of the Territory or judicial district in which said person shall be found, to be proceeded against in due course of law; and also in the examination and seizure of stores, packages, and boats, authorized by the twentieth section of this act, and in preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law: *Provided*, That no person, apprehended by military force as aforesaid, shall be detained longer than five days after the arrest, and before removal. And all officers and soldiers who may have any such person or persons in custody shall treat them with all the humanity which the circumstances will possibly permit; and every officer or soldier who shall be guilty of maltreating any such person, while in custody, shall suffer such punishment as a court-martial shall direct.

SEC. 24. *And be it further enacted*, That, for the sole purpose of carrying this act into effect, all that part of the Indian country west of the Mississippi river that is bounded north by the north line of lands assigned to the Osage tribe of Indians, produced east to the State of Missouri, west by the Mexican possessions, south by Red river, and east by the west line of the Territory of Arkansas and the State of Missouri, shall be, and hereby is, annexed to the Territory of Arkansas; and that, for the purpose aforesaid, the residue of the Indian country west of said Mississippi river shall be, and hereby is, annexed to the judicial district of Missouri; and, for the purpose aforesaid, the several portions of Indian country east of the said Mississippi river shall be, and are hereby, severally annexed to the Territory in which they are situate.

SEC. 25. *And be it further enacted*, That so much of the laws of the United States as provides for the punishment of crimes committed within any place within the sole and exclusive jurisdiction of the United States shall be in force in the Indian country: *Provided*, The same shall not extend to crimes committed by one Indian against the person or property of another Indian.

SEC. 26. *And be it further enacted*, That if any person who shall be charged with a violation of any of the provisions or regulations of this act shall be found within any of the United States, or either of the Territories, such offenders may be there apprehended, and transported to the Territory or judicial district having jurisdiction of the same.

SEC. 27. *And be it further enacted*, That all penalties which shall accrue under this act shall be sued for and recovered in an action of debt, in the name of the United States, before any court having jurisdiction of the same, (in any State or Territory in which the defendant shall be arrested or found,) the one half to the use of the informer, and the other half to the use of the United States, except when the prosecution shall be first instituted on behalf of the United States; in which case the whole shall be to their use.

SEC. 28. *And be it further enacted*, That when goods or other property shall be seized for any violation of this act, it shall be lawful for the person prosecuting on behalf of the United States to proceed against such goods, or other property, in the manner directed to be observed in the case of goods, wares, or merchandise brought into the United States in violation of the revenue laws.

SEC. 29. *And be it further enacted*, That the following acts and parts



of acts shall be, and the same are hereby, repealed, namely: An act to make provision relative to rations for Indians, and to their visits to the seat of government, approved May thirteen, eighteen hundred; an act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved March thirty, eighteen hundred and two; an act supplementary to the act passed thirtieth March, eighteen hundred and two, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved April twenty-nine, eighteen hundred and sixteen; an act for the punishment of crimes and offenses committed within the Indian boundaries, approved March three, eighteen hundred and seventeen; the first and second sections of the act directing the manner of appointing Indian agents, and continuing the "Act establishing trading-houses with the Indian tribes," approved April sixteen, eighteen hundred and eighteen; an act fixing the compensation of Indian agents and factors, approved April twenty, eighteen hundred and eighteen; an act supplementary to the act entitled "An act to provide for the prompt settlement of public accounts," approved February twenty-four, eighteen hundred and nineteen; the eighth section of the act making appropriations to carry into effect treaties concluded with several Indian tribes therein mentioned, approved March three, eighteen hundred and nineteen; the second section of the act to continue in force for a further time the act entitled "An act for establishing trading-houses with the Indian tribes, and for other purposes," approved March three, eighteen hundred and nineteen; an act to amend an act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved thirtieth of March, eighteen hundred and two, approved May six, eighteen hundred and twenty-two; an act providing for the appointment of an agent for the Osage Indians west of the State of Missouri and Territory of Arkansas, and for other purposes, approved May eighteen, eighteen hundred and twenty-four; the third, fourth, and fifth sections of "An act to enable the President to hold treaties with certain Indian tribes, and for other purposes," approved May twenty-five, eighteen hundred and twenty-four; the second section of the "Act to aid certain Indians of the Creek nation in their removal to the west of the Mississippi," approved May twenty, eighteen hundred and twenty-six; and an act to authorize the appointment of a sub-agent to the Winnebago Indians, on Rock river, approved February twenty-five, eighteen hundred and thirty-one: *Provided, however,* That such repeal shall not affect any rights acquired, or punishments, penalties, or forfeitures incurred under either of the acts or parts of acts, nor impair or affect the intercourse act of eighteen hundred and two, so far as the same relates to or concerns Indian tribes residing east of the Mississippi: *And provided also,* That such repeal shall not be construed to revive any acts or parts of acts repealed by either of the acts or sections herein described.

SEC. 30. *And be it further enacted,* That until a Western Territory shall be established, the two agents for the Western Territory, as provided in the act for the organization of the Indian department, this day approved by the President, shall execute the duties of agents for such tribes as may be directed by the President of the United States. And it shall be competent for the President to assign to one of the said agents, in addition to his proper duties, the duties of superintendent for such district of country, or for such tribes as the President may think fit. And the powers of the superintendent at St. Louis, over such district or tribes as may be assigned to such acting superintendents, shall cease: *Provided,* That no additional compensation shall be allowed for such services.

Approved, June 30, 1834. [Stat. at Large, vol. 4, p. 729, &c.]



AN ACT to provide for the organization of the department of Indian affairs.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the duties of the governors of the Territories of Florida and Arkansas, as superintendents of Indian affairs, shall hereafter cease, and the duties of the governor of the Territory of Michigan, as superintendent of Indian affairs, shall cease from and after the establishment of a new Territory, embracing the country west of Lake Michigan, should such a Territory be established. And while the governor of the said Territory of Michigan continues to act as a superintendent of Indian affairs, he shall receive therefor the annual sum of one thousand dollars, in full of all allowances, emoluments, or compensation for services in said capacity.

SEC. 2. *And be it further enacted,* That there shall be a superintendency of Indian affairs for all the Indian country not within the bounds of any State or Territory west of the Mississippi river, the superintendent of which shall reside at St. Louis, and shall annually receive a salary of fifteen hundred dollars.

SEC. 3. *And be it further enacted,* That superintendents of Indian affairs shall, within their several superintendencies, exercise a general supervision and control over the official conduct and accounts of all officers and persons employed by the government in the Indian department, under such regulations as shall be established by the President of the United States; and may suspend such officers and persons from their office or employments, for reasons forthwith to be communicated to the Secretary of War.

SEC. 4. *And be it further enacted,* That the following Indian agents shall be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall hold their offices for [the] term of four years, and who shall give bond, with two or more securities, in the penal sum of two thousand dollars, for the faithful execution of the same, and shall receive the annual compensation of fifteen hundred dollars:

Two agents for the Western Territory.

An agent for the Chickasaws.

An agent for the Eastern Cherokees.

An agent for the Florida Indians.

An agent for the Indians in the State of Indiana.

An agent at Chicago.

An agent at Rock Island.

An agent at Prairie du Chien.

An agent for Michilimackinac and Sault Sainte Marie.

An agent for the Saint Peter's.

An agent for the Upper Missouri.

And the following agencies shall be discontinued at the periods herein mentioned—that is to say:

The Florida agency, from and after the thirty-first day of December next.

The Cherokee agency, from and after the thirty-first day of December next.

The Indiana agency, from and after the thirty-first day of December, eighteen hundred and thirty-six.

The Chicago agency, from and after the thirty-first day of December next.

The Rock Island agency, from and after the thirty-first day of December, eighteen hundred and thirty-six.

And all other agencies, not provided for in this act, from and after the passing thereof: *Provided*, That the limitation of the said agencies shall not be construed to prevent the President of the United States from discontinuing the same at an earlier period. And the President shall be, and he is hereby, authorized, whenever he may judge it expedient, to discontinue any Indian agency, or to transfer the same, from the place or tribe designated by law, to such other place or tribe as the public service may require. And every Indian agent shall reside and keep his agency within or near the territory of the tribe for which he may be agent, and at such place as the President may designate, and shall not depart from the limits of his agency without permission. And it shall be competent for the President to require any military officer of the United States to execute the duties of Indian agent.

SEC. 5. *And be it further enacted*, That a competent number of sub-agents shall be appointed by the President, with an annual salary of seven hundred and fifty dollars each, to be employed and to reside wherever the President may direct, and who shall give bonds, with one or more sureties, in the penal sum of one thousand dollars, for the faithful execution of the same. But no sub-agent shall be appointed who shall reside within the limits of any agency where there is an agent appointed.

SEC. 6. *And be it further enacted*, That nothing herein contained shall be construed to require the reappointment of persons now in office until the expiration of their present term of service; but the commissions of all Indian agents and sub-agents, now in office, shall expire on the fourth day of March next, unless sooner terminated.

SEC. 7. *And be it further enacted*, That the limits of each agency and sub-agency shall be established by the Secretary of War, either by tribes or by geographical boundaries. And it shall be the general duty of Indian agents and sub-agents to manage and superintend the intercourse with the Indians within their respective agencies, agreeably to law; to obey all legal instructions given to them by the Secretary of War, the Commissioner of Indian Affairs, or the superintendent of Indian affairs; and to carry into effect such regulations as may be prescribed by the President.

SEC. 8. *And be it further enacted*. That the President of the United States may, from time to time, require additional security, and in larger amounts, from all persons charged or trusted, under the laws of the United States, with the disbursement or application of money, goods, or effects of any kind, on account of the Indian department.

SEC. 9. *And be it further enacted*, That an interpreter shall be allowed to each agency, who shall receive an annual salary of three hundred dollars: *Provided*, That where there are different tribes in the same agency, speaking different languages, one interpreter may be allowed, at the discretion of the Secretary of War, for each of the said tribes. Interpreters shall be nominated by the proper agents to the War Department for approval, and may be suspended, by the agent, from pay and duty, and the circumstances reported to the War Department for final action; and blacksmiths shall, in like manner, be employed wherever required by treaty stipulations, and such blacksmith shall receive an annual compensation of four hundred and eighty dollars, and if they furnish their shop and tools, an additional sum of one hundred and twenty dollars; and their assistants shall be allowed an annual compensation of two hundred and forty dollars. And wherever farmers, mechanics, or teachers, are required by treaty stipulations to be provided, they shall be employed under the direction of the War Department, and shall receive an annual compensation of not less than four



hundred and eighty dollars, nor more than six hundred dollars. And in all cases of the appointments of interpreters, or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found who are properly qualified for the execution of the duties. And where any of the tribes are, in the opinion of the Secretary of War, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe.

SEC. 10. *And be it further enacted*, That the compensation prescribed by this act shall be in full of all emoluments, or allowances whatsoever: *Provided, however*, That, where necessary, a reasonable allowance or provision may be made for offices and office contingencies: *And provided also*, That where persons are required, in the performance of the duties under this act, to travel from one place to another, their actual expenses, or a reasonable sum in lieu thereof, may be allowed them: *And provided also*, That no allowance shall be made to any person for travel or expenses in coming to the seat of government to settle his account, unless thereto required by the Secretary of War: *And provided also*, That no person shall hold more than one office at the same time under this act, nor shall any agent, sub-agent, interpreter, or person employed under this act, receive his salary while absent from his agency or employment, without leave of the superintendent or Secretary of War, provided such absence shall at no time exceed sixty days.

SEC. 11. *And be it further enacted*, That the payment of all annuities, or other sums stipulated by treaty to be made to any Indian tribe, shall be made to the chiefs of such tribe, or to such person as said tribe shall appoint; or if any tribe shall appropriate their annuities to the purpose of education, or to any other specific use, then to such person or persons as such tribe shall designate.

SEC. 12. *And be it further enacted*, That it shall be lawful for the President of the United States, at the request of any Indian tribe to which any annuity shall be payable in money, to cause the same to be paid in goods, purchased as provided in the next section of this act.

SEC. 13. *And be it further enacted*, That all merchandise required by any Indian treaty for the Indians, payable after making of such treaty, shall be purchased under the direction of the Secretary of War, upon proposals to be received, to be based on notices previously to be given; and all merchandise required at the making of any Indian treaty shall be purchased under the order of the commissioners, by such person as they shall appoint, or by such person as shall be designated by the President for that purpose. And all other purchases on account of the Indians, and all payments to them of money or goods, shall be made by such person as the President shall designate for that purpose. And the superintendent, agent, or sub-agent, together with such military officer as the President may direct, shall be present and certify to the delivery of all goods and money required to be paid or delivered to the Indians. And the duties required by any section of this act of military officers shall be performed without any other compensation than their actual traveling expenses; and all persons whatsoever charged or trusted with the disbursement or application of money, goods, or effects of any kind, for the benefit of the Indians, shall settle their accounts annually at the War Department, on the first day of October; and copies of the same shall be laid annually before Congress, at the commencement of the ensuing session, by the proper accounting officers, together with the list of the names of all persons to whom money, goods, or effects had been



delivered within said year, for the benefit of the Indians, specifying the amount and object for which it was intended, and showing who are delinquents, if any, in forwarding their accounts according to the provisions of this act; and also a list of the names of all persons appointed or employed under this act, with the dates of their appointment or employment, and the salary and pay of each.

SEC. 14. *And be it further enacted*, That no person employed in the Indian department shall have any interest or concern in any trade with the Indians, except for, and on account of the United States; and any person offending herein shall forfeit the sum of five thousand dollars; and upon satisfactory information of such offence being laid before the President of the United States, it shall become his duty to remove such person from the office or situation he may hold.

SEC. 15. *And be it further enacted*, That the President shall be, and he is hereby, authorized to cause any of the friendly Indians west of the Mississippi river, and north of the boundary of the Western Territory, and the region upon Lake Superior, and the head of the Mississippi, to be furnished with useful domestic animals and implements of husbandry, and with goods, as he shall think proper: *Provided*, that the whole amount of such presents shall not exceed the sum of five thousand dollars.

SEC. 16. *And be it further enacted*, That the President be, and he is hereby, authorized to cause such rations as he shall judge proper, and as can be spared from the army provisions, without injury to the service, to be issued, under such regulations as he shall think fit to establish, to Indians who may visit the military posts or agencies of the United States on the frontiers, or in their respective nations, and a special account of these issues shall be kept and rendered.

SEC. 17. *And be it further enacted*, That the President of the United States shall be, and he is hereby, authorized to prescribe such rules and regulations as he may think fit, for carrying into effect the various provisions of this act, and of any other act relating to Indian affairs, and for the settlement of the accounts of the Indian departments.

SEC. 18. *And be it further enacted*, That all acts or parts of acts contrary to the provisions of this act shall be, and the same are hereby, repealed.

Approved June 30, 1834. [Stat. at Large, vol. 4, p. 735, &c.]

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No. 34.

*Regulations prescribing the mode in which the act of the 9th of July, 1832, providing for the appointment of a Commissioner of Indian Affairs, shall be executed.*

1. The act of the 9th of July, 1832, entitled "An act to provide for the appointment of a Commissioner of Indian Affairs, and for other purposes," requiring that the President should prescribe regulations for its execution, the duty of carrying it into effect is hereby assigned to the Secretary of War, who will immediately revise the existing regulations and prescribe a new set, as to the mode in which business shall be done by the Commissioner, adapted to the present condition and duties of the office.

2. From the time when such new regulations shall have been prescribed, those heretofore adopted on this subject shall be, and are hereby, rescinded.

ANDREW JACKSON.

WASHINGTON, November 8, 1836.

## REVISED REGULATIONS.—No. I.

*Concerning the execution of the act of the 9th of July, 1832, providing for the appointment of a Commissioner of Indian Affairs.*

1. All business connected with, or arising out of, Indian relations will be transacted in the office of Indian Affairs, under the management and direction of the Commissioner, appointed under the act of July 9, 1832, and that officer will be held responsible for its prompt, faithful, and legal execution; subject, however, in all things to the supervision of the President and Secretary of War.

2. The six clerks and messenger heretofore employed in the office, and the six clerks and messenger heretofore employed in the office of the Commissary General of Subsistence, on business relating to Indian emigration, are hereby assigned to duty in the office of Indian Affairs.

3. To each of the clerks the Commissioner will assign such duties as the public service may seem to him to render proper.

4. Such record books will be kept, and such arrangement of papers, books, files, &c., be made, as the Commissioner may deem proper.

5. The administrative examination of accounts, claims, &c., required by law to be had in the office, will be conducted upon the following principles:

First. All claims and accounts for expenditures will be rigidly examined, and, when authorized by law, or by the regulations and instructions, or when, in the exercise of a sound discretion, the Commissioner is of opinion the expenditure or claim is proper and just, they will receive his sanction and then be passed to the Second Auditor for settlement. When illegal, or contrary to the regulations or instructions, or when, in the opinion of the Commissioner, the expenditure or claim is improper and unjust, he will withhold his sanction, and state his objection for the consideration of the accounting officers. But in all cases of difficulty or importance, depending on discretionary authority, the Commissioner will take the direction of the Secretary of War.

Second. The Commissioner will, in all cases, examine the circumstances of each expenditure, and where the amount is not previously fixed, he will ascertain the reasonableness of the claim, and annex such explanatory observations as may the better enable the accounting officers to perform their duty.

Third. Where particular instructions, authorizing the service or expenditure, have been given, and are necessary to a just decision of the matter, the proper extracts therefrom will be transmitted by the Commissioner with the accounts.

6. Other regulations will be made, from time to time, should the public service demand them.

B. F. BUTLER,  
*Secretary of War, ad interim.*

WAR DEPARTMENT, November 11, 1836.



## REVISED REGULATIONS.—No. II.

*Concerning Superintendencies, Agencies, and Sub-agencies.*

(Adopted April 13, 1837.)

## ACTING SUPERINTENDENCY OF MICHIGAN.

*Boundaries.*

1. The *acting superintendency of Michigan* will include all the Indians in that State, and the tribe of Ottawas, at Maumee, in the State of Ohio; and will embrace the following agencies and sub-agencies:

2. The *agency of Michilimackinac*, to include all the Indians on the peninsula of Michigan, from the mouth of the Thunder-bay river, round the shore of the lakes, to the Grand river of Lake Michigan; on the islands in Lakes Huron and Michigan, and Grand Traverse bay.

3. The *sub-agency of Saginaw*, to include all the Indians on the peninsula of Michigan, not included in the agency of Michilimackinac.

4. The *sub-agency of Sault Ste. Marie*, to include the Indians north of the agency of Michilimackinac, extending west to the eastern boundary of Wisconsin Territory.

*Sites.*

5. The acting superintendency of Michigan will be established in the winter at Detroit, in the summer at Michilimackinac.

6. The sub-agency of Saginaw will be at or near that place.

7. The sub-agency for the Sault Ste. Marie will be at or near Fort Brady.

*Interpreters.*

8. For the acting superintendency at Detroit will be allowed one.

9. For the agency at Michilimackinac, two.

10. For the sub-agency at Saginaw, one.

11. For the sub-agency of Fort Brady, one.

## SUPERINTENDENCY OF WISCONSIN TERRITORY.

*Boundaries.*

12. The superintendency of Wisconsin Territory will include all the Indians within the boundaries of that Territory, as defined by the act of Congress of April 20, 1836, entitled "An act establishing the Territory of Wisconsin," except the Sioux of the Upper Missouri, the Mandans, and the tribes and bands north of them on the same river; and embrace the following agencies and sub-agencies:

13. The agency for the Sacs and Foxes, to include all the Indians of these tribes.

14. The agency of St. Peter's, to include the various families of the Sioux tribe upon the waters of the Mississippi and its tributary streams and upon those of Red river, except the Sioux of Wabisha's band.

15. The sub-agency of Prairie du Chien, to include the Winnebago Indians in the Territory of Wisconsin, and the Sioux of Wabisha's band.

16. The sub-agency of Green Bay, to include the Menomonee Indians and the Indians who have emigrated from New York, in the Territory of Wisconsin.

17. The sub-agency of Lapointe, to include the Chippewa Indians west of the eastern boundary of Wisconsin, and east of a line drawn



southeasterly from the southern extremity of the Lake of the Woods to the upper lake on Brute river; thence, in a direct line, to Lake Flambeau; thence, down the channel of the Chippewa river to its junction with the Mississippi.

18. The sub-agency of the Crow-wing river, to include the Chippewas in the Territory of Wisconsin, residing west of the western boundary of Lapointe sub-agency.

#### *Sites.*

19. The superintendency of the Territory of Wisconsin will, of course, be established at the seat of government of that Territory.

20. The agency for the Sacs and Foxes will be at a point selected under the direction of the Commissioner of Indian Affairs.

21. The agency for the St. Peter's will be at or near Fort Snelling.

22. The sub-agency for Green Bay will, for the present, be at that place.

23. The sub-agency for Prairie du Chien will be at that place.

24. The sub-agency for Lapointe will be at that place.

25. The sub-agency for the Crow-wing river will be at a point selected under the direction of the Commissioner of Indian Affairs.

#### *Interpreters.*

26. For the superintendency of Wisconsin Territory, will be allowed one.

27. For the agency of the Sacs and Foxes, one.

28. For the agency of St. Peter's, two.

29. For the sub-agency for the Menomonees, one.

30. For the sub-agency for the Winnebagoes, one.

31. For the sub-agency at Lapointe, one.

32. For the sub-agency of the Crow-wing river, one.

#### SUPERINTENDENCY OF ST. LOUIS.

#### *Boundaries.*

33. The superintendency at St. Louis will include the tribes and bands excepted from the superintendency of Wisconsin in the preceding section, the Ottawas, Chippewas, and Pottawatomies, north, and all the other Indians south of the Missouri river, and north of the northern line of the Osage reservation, and will embrace the following agencies and sub-agencies:

34. The agency of Fort Leavenworth, to include the Delawares, Kansas, Shawnees, and Kickapoos.

35. The agency of Council Bluffs, to include the Ottoes and Missourias, Omahas and Pawnees.

36. The agency of the Upper Missouri, to include the Sioux of that river, the Chayennes, and Puncals.

37. The sub-agency of the Upper Missouri, to include the Mandans, Assinaboins, Black Feet Indians, Crows, Rickares, and Gros Ventres.

38. The sub-agency of Council Bluffs, to include the united nation of the Ottawas, Chippewas, and Pottawatomies, north of the Missouri.

39. The sub-agency of the great Nemahaw, to include the Iowas and Sacs of Missouri.

40. The sub-agency of the Osage river, to include the Pottawatomies, Ottawas, Peorias and Kaskaskias, Piankeshaws, and Weas.

*Sites.*

41. The superintendency of St. Louis will, of course, be established at that place.

42. The agency of Fort Leavenworth will, for the present, remain at the site of the northern agency of the Western Territory.

43. The agency for Council Bluffs will be at that place.

44. The agency for the upper Missouri will be at the site of the sub-agency for the Sioux of the Missouri.

45. The sub-agency for the upper Missouri will be at the site of the sub-agency for the Mandans.

46. The sub-agencies for the Great Nemahaw and the Osage rivers will be at points selected under the direction of the Commissioner of Indian Affairs.

47. The sub-agency at Council Bluffs will be at that place.

*Interpreters.*

48. For the superintendency of St. Louis, will be allowed one.

49. For the agency of Council Bluffs, three.

50. For the agency of Fort Leavenworth, two.

51. For the agency of the upper Missouri, two.

52. For the sub-agency of the Great Nemahaw, two.

53. For the sub-agency of the upper Missouri, one.

54. For the sub-agency of Council Bluffs, one.

55. For the sub-agency of the Osage river, one.

## ACTING SUPERINTENDENCY OF THE WESTERN TERRITORY.

*Boundaries.*

56. The acting superintendency provided for by the 30th section of the act to regulate trade and intercourse with the Indian tribes will be denominated the acting superintendency of the Western Territory, and will include all the Indians south of the Missouri river, and the southern line of the St. Louis superintendency, and as far west as the Rocky mountains; and will embrace the following agencies and sub-agencies:

57. The agency for the Choctaws, to include all the Indians of that tribe.

58. The agency of the Creeks, to include all the Indians of that tribe, and the Seminoles.

59. The agency of the Cherokees, to include all the Indians of that tribe west of the Mississippi river.

60. The sub-agency of the Osages, to include all the Indians of that tribe.

61. The sub-agency of the Neosho, to include the Senecas, Senecas and Shawnees, and Quapaws.

*Sites.*

62. The acting superintendency of the Western Territory will be established at the site of the agency for the Choctaws.

63. The agency for the Creeks and Cherokees, and the sub-agency for the Osages, will remain at their present positions.

64. The sub-agency for the Neosho will be at a point selected under the direction of the Commissioner of Indian Affairs.



*Interpreters.*

- 65. For the acting superintendency of the Western Territory, will be allowed one.
- 66. For the Choctaw agency, one.
- 67. For the Cherokee agency, one.
- 68. For the Creek agency, one.
- 69. For the Osage sub-agency, one.
- 70. For the sub-agency of the Neosho, one.

## MISCELLANEOUS.

*Boundaries.*

- 71. The agency of the Chickasaws, to include all the Indians of that tribe.
- 72. The sub-agency in Ohio, to include all the Wyandotts of that State.
- 73. The sub-agency in New York, to include the Seneca and other bands of Indians in that State.
- 74. The superintendent of the emigration of the united nation of the Ottawas, Chippewas, and Pottawatomies, in the States of Illinois and Michigan, will perform the duties of Indian agent for them.
- 75. The superintendent of the emigration of the Pottawatomies of Indiana will perform the duties of Indian agent for them and for the Miamies.
- 76. The superintendent of the emigration of the eastern Cherokees will perform the duties of Indian agent for them.

*Sites.*

- 77. The agency for the Chickasaws will be established at Pontotoc, in the State of Mississippi, until they have emigrated; afterwards at a point in their new country selected under the direction of the Commissioner of Indian Affairs.
- 78. The sub-agency in Ohio will be at Upper Sandusky.
- 79. The sub-agency in New York will be at Buffalo.
- 80. The acting agency for the Pottawatomies, and other tribes in Indiana, will be at Logansport.
- 81. The acting agency for the united nations of the Ottawas, Chippewas, and Pottawatomies, in Illinois and Michigan, will be at Chicago.
- 82. The acting agency for the eastern Cherokees will be at Calhoun, Tennessee.

*Interpreters.*

- 83. For the Chickasaw agency, will be allowed one.
- 84. For the sub-agency in Ohio, one.
- 85. For the sub-agency in New York, one.
- 86. For the acting agents in Indiana, Illinois, and Tennessee, the duties of interpreters will be performed by the interpreters employed for the removal of the Indians.

In some of the instances in which more than one interpreter is allowed specific compensations, at less than the maximum rate allowed by law, have been granted. These will be regulated by the Commissioner of Indian Affairs.

- 87. The agent for the Chickasaws, until the removal of that tribe is completed, the sub-agents in Ohio and New York, and the acting agents



at Logansport, Chicago, and Calhoun, will report directly to the Commissioner of Indian Affairs. The other agents and sub-agents will report through the superintendent within whose limits they are stationed.

J. R. POINSETT,  
*Secretary of War.*

WAR DEPARTMENT, *April 13, 1837.*

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### REVISED REGULATIONS.—No. III.

*For carrying into effect the act of June 30, 1834, organizing the Department of Indian Affairs.*

[Adopted June 1, 1837.]

#### GENERAL DUTIES OF SUPERINTENDENTS.

1. To carry into effect the instructions of the War Department, and superintend and control the intercourse between the several tribes, in conformity with the provisions of the intercourse act of 1834.

2. To superintend and control the intercourse between the Indians and citizens of the United States, or strangers with passports.

3. To superintend and control the conduct of the agents and sub-agents, to suspend them from office whenever sufficient reasons exist, and to communicate the reasons therefor to the War Department.

4. To exercise a general supervision and control of the accounts of agents and sub-agents; to procure from them estimates of all the sums due to the tribes under their charge respectively, which they will embody in one general estimate, and transmit semi-annually to the Commissioner of Indian Affairs. These estimates will show the amount under each head of appropriation.

#### GENERAL DUTIES OF AGENTS AND SUB-AGENTS.

5. To superintend and manage the intercourse of their respective tribes with other tribes, and with the citizens of the United States.

6. To carry into effect the instructions of the War Department, or the superintendent of Indian affairs, and the regulations prescribed by the President.

7. To reside and keep their agencies or sub-agencies within or near the tribes committed to their charge, at such points as the War Department shall designate, and not to depart from the limits of their agencies or sub-agencies without permission.

8. Agents will give bonds in the sum of \$2,000; sub-agents, of \$1,000. One or more sufficient sureties will be given, and their sufficiency will be certified, whenever practicable, by the United States district judge, or district attorney; in other cases by the superintendent of Indian affairs, the military officers in command at the nearest post, or some other person known to the department. The oath of office will be taken before a judge or justice of the peace.

#### PARTICULAR DUTIES PRESCRIBED IN DIFFERENT SECTIONS OF THIS ACT.

9. To nominate to the department suitable persons for teachers, blacksmiths, farmers, mechanics, &c., for whose support provision is made by

treaties ; and, in making the selection, to give a preference to persons of Indian descent when any properly qualified can be found.

10. When these nominations are approved, and before the persons appointed enter upon their duties, the agent or sub-agent will bind them by contracts to the faithful performance of their duties, for the compensation fixed by law, or allowed by the department. These contracts will be filed with the military officer before any payments are made by him for services, and will be transmitted with his accounts. If the compensation be fixed by law, reference will be made in the contract to the act and section ; if by the department, to the letter making the allowance.

11. Where the sites of the smiths' shops, schools, or farms, are not designated in treaties, the agent or sub-agent will recommend suitable positions for the consideration of the department.

12. The agent or sub-agent will prepare and transmit annual statements, exhibiting the manner in which the farmers, mechanics, and others, have been employed during the year ; the quantity of agricultural implements, or other articles delivered to them, and by them to the Indians ; the number of farms or acres cultivated, the kind of cultivation, and the amount and disposition of the produce ; the number of Indians instructed in agriculture or mechanical arts, distinguishing minors from adults.

13. The agent or sub-agent will prepare and transmit to the superintendent a statement of the number of each tribe under his charge, distinguishing those employed in the chase, agricultural, or mechanical pursuits ; a map, showing the location of each band or tribe, the sites of the several public buildings ; and he will designate the post office to which letters should be addressed. Whenever teachers are employed, they, also, will be required to furnish these statistical returns, and other statements illustrative of the physical aspect of the country, its mineral resources and water privileges, and other matters, a knowledge of which will be useful to the department and satisfactory to the people. These statistical exhibits will be consolidated by the superintendent, so as to present at one view the condition of the district and tribes assigned to him.

14. The agent or sub-agent will annually prepare lists of all persons connected with the Indian department in his agency or sub-agency. These will show the names of these persons, distinguishing the natives, where any are employed ; the dates of their appointments ; their compensations ; and the article of the treaties, or the section of the law, by virtue of which they were appointed. To these lists will be appended certificates that none of the persons have any interest or concern in the trade with the Indians, except for, and on account of, the United States.

15. Furloughs can be granted by the superintendent, and, on appeal, may be obtained from the War Department ; but in no case for a longer period than sixty days ; and if the absence, even with permission, exceed that period, the salary will not be paid during such absence. The superintendents will make special reports of all furloughs granted by them, and the time for which the persons to whom they were granted were respectively absent, and the amount, if any, to be deducted from the salaries. In the cases in which agents perform the duties of acting superintendents, applications for furloughs will be made by them to the War Department.

16. Other duties of agents and sub-agents are prescribed in subsequent paragraphs of these regulations. Additional ones will be pointed out in those concerning trade and intercourse.

17. The agent or sub-agent will deliver to the smiths, millers, or farmers, the implements, iron, steel, coal, and other articles procured by the



military officer under treaty stipulations, appropriately coming under their charge, taking from them duplicate receipts. He will exercise a vigilant supervision over them, and see that their services, and all the articles furnished them, are applied for the exclusive benefit of the Indians.

18. The agent or sub-agent will visit the schools in his agency or sub-agency at least once in each year, and make a careful inspection of the buildings, the accounts, the clothing, and food of the children. He will prepare complete reports, exhibiting the results of this inspection, with the number of teachers and pupils, distinguishing males from females; the studies of each class, the general system of education, the capacity and progress of each scholar; and such suggestions as occur to him for the improvement of these establishments. He will also report the condition of schools, if any, not supported in whole or in part by the United States, or from funds provided in Indian treaties. He will also procure and transmit reports from the principals of all the schools, prepared in conformity with these regulations, and others heretofore issued. When buildings for schools are erected by societies, with the sanction of this department, and application is made for an allowance of part of their cost, the agent or sub-agent will inspect them and forward a description of them, with an expression of his opinion of the sum that, under all the circumstances of the case, should be paid to the society erecting them. He will keep himself acquainted with the character and conduct of the teachers, and all persons acting under them, and report any impropriety for the consideration of the department.

19. All the accounts, reports, statements, exhibits, returns, and estimates required by these regulations, of superintendents, agents, sub-agents, or teachers, will be forwarded in season to reach the Department of War by the 1st day of October in each year. If they arrive later than this, they will be of little use in preparing the annual communication required to be made to Congress; the department is charged with neglect, and the country is kept in ignorance. Disregard of these regulations will be considered just cause for censure, and, if persisted in, for removal from office. A failure on the part of teachers to transmit the statements required of them, will induce the withholding of the pecuniary allowances made for the societies and schools with which they are connected.

#### DUTIES OF INTERPRETERS.

20. Interpreters will be nominated to the War Department by the proper agents or sub-agents, and may be suspended by them from their pay and duties.

21. Where an agency includes but one tribe, but one interpreter will be appointed.

22. Where one agency includes different tribes, speaking different languages, and additional interpreters are considered necessary, the circumstances will be reported for the determination of the Department of War.

23. Interpreters will perform any service that may be required of them by the proper superintendent, agent, or sub-agent, and the latter will place them, whenever circumstances require it, under the direction of commissioners, or other special agents, acting under the authority of the United States.

24. Teachers, farmers, mechanics, and other persons employed by virtue of treaty stipulations, will be nominated by the proper agent or sub-agent, or appointed by the War Department.

25. They will be under the supervision and control of the proper agent or sub-agent, and comply with instructions they may receive from him, the superintendent of Indian affairs, or the War Department.

#### MILITARY DISBURSING OFFICERS AND THEIR DUTIES.

26. Three officers of the army having been assigned to duty in the Indian department, and stationed at Detroit, St. Louis, and Little Rock, respectively. Each of these will be styled the principal military disbursing officer of the district. The district of Detroit will include the acting superintendency of Michigan, the Indian tribes in New York, Ohio, Indiana, and Illinois, the Menomonees, the New York Indians near Green Bay, and the Chippewas of the Lapointe sub-agency. The district of St. Louis will include the Indian tribes in the superintendency of the same name, the Chippewas attached to the sub-agency of the Crow-wing river, the Sioux, the Sacs and Foxes, the Winnebagoes, and the Osages; the latter for the investment of their annuities in goods only. The district of Little Rock will include the Indian tribes in the acting superintendency of the Western Territory, excepting the investment of the annuities for the Osages, in goods.

27. As a general rule, all funds required for disbursement in their respective districts will be sent to these officers. Deviations from this rule may be made with the sanction of the Commissioner of Indian Affairs, as in the case of the employment of commissioners or special agents, and of remote agencies and sub-agencies. Payments will be made by these officers, the assistant quartermasters, and assistant commissaries of subsistence, at the different military posts, and by officers on duty in the Indian department in any other branch of its service, when thereto required by the Commissioner of Indian Affairs. Funds will be remitted, in the first instance, to the principal military disbursing officer of the district, and be by him turned over to the officer or agent designated to make the disbursements. The duties of military officers in the payment of annuities are prescribed with great particularity in these regulations. Other disbursements, for services rendered or purchases made, will generally be made by them, in the first case, on the requisition of the superintendent, agent, or sub-agent; and in the second, on the requisition of the person authorized to purchase. If an erroneous requisition be made, the amount will be credited to the disbursing officer, and the person drawing the requisition be held accountable for the amount, provided the sum does not exceed that placed in his hands for the purpose. The law requires that "all persons whatsoever, charged with the disbursement or application of money, goods, or effects of any kind, for the benefit of the Indians, shall settle their accounts annually at the War Department on the 1st day of October, and copies of the same shall be laid before Congress, annually, at the commencement of the next session thereafter." All persons, therefore, coming within the purview of this provision, will transmit their accounts in time to reach the War Department by the day named.

28. The salaries of all persons employed in the Indian department are payable quarterly.

29. The words "actual traveling expenses," and "traveling expenses," used in the 10th and 13th sections of the law, are construed to embrace all necessary expenses while absent on the business, such as stage fare, steamboat fare, horse hire, ferriages, subsistence by the way, and such other reasonable charges as travelers are subject to, over and above what they would expend if stationary.



## PAYMENT OF ANNUITIES.

30. The 11th section of this act permits any tribe to appropriate their annuities to the purposes of education, or to any other specific use. But the exercise of this privilege is dependent on the discretion of the Executive, and no appropriation of any part of their annuities can be made by a tribe, under this section, without the express sanction of the Department of War.

31. This section also provides that all annuities or other sums stipulated to be paid to any Indian tribe shall be paid to the chiefs of such tribes, or to such persons as the tribe may designate. The person to whom payment is made under this provision must be of Indian descent, or a recognized member of the tribe; and no payments will be made of any portion of the annuities to any other person except claimants for depredations under the 17th section of the intercourse act of 1834.

32. The preliminary arrangement for the payment of annuities or other sums will be made by the proper superintendent, agent, or sub-agent, and the payment will be made by the person designated by the Commissioner of Indian Affairs.

33. The military officer so assigned will notify the superintendent, agent, or sub-agent when the funds are received by him; and they will then, upon mutual consultation, determine the time and place at which the payment shall be made, fixing the latter in the Indian country, if possible, that the provisions of the intercourse law may be applied, if necessary.

34. The proper superintendent, agent, or sub-agent will convene the Indians at the time fixed upon.

35. The provisions that will be necessary will be procured by the agent from the commissariat, when convenient, or upon contracts based upon proposals, made on notices previously given, of not less than ten days; the contract will be handed by him to the disbursing officer, who will forward it with his accounts.

36. The ration will consist of one pound of fresh beef, or three-fourths of a pound of salt meat, three-fourths of a quart of corn, or corn meal, or one pound of wheat flour to each person, and of four quarts of salt for every one hundred persons.

*Provisions to be issued at the payment of annuities may be purchased.*

37. For the sub-agency in New York, to the amount of two hundred and fifty dollars.

38. For the sub-agency in Ohio, to the amount of one hundred and fifty dollars.

39. For the acting agency in Indiana, to the amount of six hundred dollars.

40. For the acting agency in Illinois, to the amount of four hundred dollars.

41. For the sub-agency of Saginaw, to the amount of two hundred dollars.

42. For the agency of Michilimackinac, to the amount of three hundred dollars.

43. For the sub-agency of Green Bay, to the amount of four hundred dollars.

44. For the sub-agency of Prairie du Chien, to the amount of four hundred dollars.

45. For the agency of St. Peter's, to the amount of four hundred dollars.

46. For the agency of the Sacs and Foxes, to the amount of three hundred dollars.

47. For the agency of the upper Missouri, to the amount of three hundred dollars.

48. For the agency of Council Bluffs, to the amount of two hundred dollars.

49. For the agency of Fort Leavenworth, to the amount of four hundred dollars.

50. For the sub-agency of Council Bluffs, to the amount of one hundred and fifty dollars.

51. For the sub-agency of the Great Nemehaw, to the amount of two hundred dollars.

52. For the sub-agency of the Osage river, to the amount of two hundred dollars.

53. For the agency for the Choctaws, to the amount of six hundred dollars.

54. For the agency for the Creeks, to the amount of six hundred dollars.

55. For the agency for the western Cherokees, to the amount of three hundred dollars.

56. For the sub-agency for the Osages, to the amount of one hundred and fifty dollars.

57. For the sub-agency for the Neosho, to the amount of two hundred dollars.

58. When provisions are drawn from the commissariats the ration will be estimated at ten cents, and the number of rations drawn will not exceed that which could be purchased at that rate with the sums allowed.

59. The Commissioner of Indian Affairs will vary these allowances whenever the information received by him renders it proper. The department relies upon the various officers in reducing them to as low an amount as may be compatible with the public service.

60. The provisions will be issued under the directions of the superintendent, agent, or sub-agent, and proper abstracts of purchases and issues will be prepared by him, and forwarded with the account of the military officer.

61. As a general rule, provisions will be issued for not exceeding three days; exceptions to this may be authorized by the Commissioner of Indian Affairs.

62. When the Indians are assembled, the superintendent, agent, or sub-agent, will inquire of them to whom the payment shall be made; and he will make his requisition upon the military officer to make the payment in the manner a majority of the Indians present may designate.

63. If the payment be made to the chiefs, duplicate receipts will be taken. These will be certified by the agent, military officer, and interpreter, and one of them will be forwarded with the account.

64. If the payment be made to heads of families, it will be done on pay-rolls, showing the name of each Indian, the number of persons in his family, and the amount due to him. Receipts will be taken in this case, certified, and disposed of in the same manner as the receipts of the chiefs.

65. If a claim for depredations has been paid during the year, or has been ordered to be paid, the superintendent, agent, or sub-agent, will give full explanations to the Indians; and, in the latter case, will, before



the annuity is paid to the Indians, make his requisition on the military officer to deduct the amount.

66. Before the Indians are dismissed, the superintendent, agent, or sub-agent, will inquire if they wish their annuities to be paid in goods or money the next year. Their answer will be reduced to writing, certified by him, the military officer, and the interpreter, and transmitted to the Commissioner of Indian Affairs.

#### PURCHASE OF GOODS FOR INDIANS.

67. The 12th section of this act authorizes the payment of annuities in goods, at the request of any Indian tribe.

68. The 13th section prescribes the mode in which the goods, so required, and all merchandise stipulated in any treaty to be furnished the Indians shall be purchased.

##### 1.—*Purchase of goods with annuities.*

69. When a tribe are to receive their annuities in goods, the agent will prepare an invoice of the articles proper to be procured, and submit it to the Indians. If they desire any change to be made in it, and the desire is reasonable, he will comply with it. But he will be careful to keep within the quantity that can probably be procured with the annuities. This invoice will be certified by him, the military officer, and the interpreter. One copy will be sent to the principal disbursing officer of the district, another to the Commissioner of Indian Affairs. Notices will be issued under the direction of the Commissioner of Indian Affairs, in no instance of less than ten days, and, when practicable, of sixty days. These notices will contain the articles enumerated in the invoices, and others, if it be necessary to increase the quantity, and invite proposals for contracts to deliver them at times and places to be designated by the Commissioner, upon such conditions and under such securities and restrictions as he may prescribe.

70. Goods thus purchased will be delivered by the military officer to the Indians in the presence of the agent, and receipts taken, witnessed, and disposed of in the same manner as receipts taken for the annuities when paid in money. A majority of the Indians present will determine to whom the goods shall be delivered.

##### 2.—*Merchandise required to be furnished by treaty stipulations.*

71. The word "merchandise" will be construed to include every article stipulated to be furnished to Indians after the ratification of a treaty. The superintendent will require the agent or sub-agent of the tribe to transmit to him a list showing the quantities, kind, and quality of each article, and indicating the place and time at which they should be delivered. The superintendent will hand this to the principal military disbursing officers, and, after mutual consultation, the latter will invite proposals for contracts, to deliver them at the place and time indicated. Copies of the advertisements in this case, and all others for the Indian department, will be forwarded to the office of Indian affairs. The proceedings of the agent or sub-agent will, of course, be subject to the revision of the superintendent.

72. So much of the 13th section as relates to the purchase of merchandise required at the making of a treaty will be noticed under the head of negotiations with Indian tribes.

73. All contracts will be opened on a day fixed in the advertisements, and a preference given with reference to the price, quality, quantity, and security offered.

#### NEGOTIATIONS WITH INDIAN TRIBES.

##### *Duties of the commissioners.*

74. To determine the time and place at which the Indians shall be convened in council, which, whenever practicable, will be in the Indian country, where the intercourse law can be enforced.

75. To select the persons whose services may be necessary as commissaries, interpreters, messengers and expresses, and in the baking and issuing department.

76. To direct the manner in which the buildings for themselves and the council shall be built; the quantity of provisions that shall be purchased, and the mode in which they shall be purchased; and the amount of presents that shall be procured and delivered to the Indians.

77. To prescribe rules, in conformity with the intercourse law for the conduct of the traders, and regulations for the government of the agent, interpreters, and all others in the execution of the duties hereinafter assigned to them.

78. To superintend the disbursement of, and account for, the funds appropriated for the expenses of holding the treaty, and which will be procured under the direction of the Commissioner of Indian Affairs. To certify the accounts of all persons employed by them.

##### *Duties of the secretary.*

79. Under the direction of the commissioners, to keep a full record of all the proceedings, from the commencement to the close of the negotiation; of the speeches of the commissioners and Indians, and of all propositions for the treaty; showing by which party it was made, the reasons assigned for and against it, and its final disposition.

80. To keep, in regular files, all claims presented by white persons or Indians, and the evidence connected with them, and to note upon each the action of the commissioner upon it.

81. To keep, in regular files, all the accounts of the commissioner, and to prepare the usual abstracts, accounts current, and vouchers, for transmission to the office of Indian Affairs.

##### *Duties of the agent or sub-agent of the tribe.*

82. To convene the Indians at the time and place appointed by the commissioners.

83. To superintend the erection of buildings.

84. To procure the necessary presents and provisions.

85. To superintend the issues of presents, provisions, and merchandise, and render to the commissioners abstracts of purchases and issues.

86. To carry into effect, under the authority given them in the intercourse law, any instructions of the commissioners to enforce the rules prescribed by them for the conduct of the traders, and to maintain the regulations for the government of persons employed at the treaty.

87. To perform any services properly required of them by the commissioners.



*Duties of commissaries.*

88. To receive and keep safely the presents, provisions, and merchandise, and issue them under the superintendence of the agent or sub-agent.

89. To employ and direct the persons required in the baking department to supply the public table, under the direction of the agent, sub-agent, or commissioners, and to render their accounts to the latter.

## PROVISIONS FOR INDIANS.

90. In addition to the provisions authorized to be procured for Indians assembled to receive annuities, the 16th section of this act authorizes the President to cause such rations as he shall judge proper, and as can be spared from the army provisions without injury to the service, to be issued to the Indians who may visit the military posts or agencies of the United States on the frontiers, or in their respective nations; and prescribes that a special account of such issues shall be kept and rendered.

91. The quantity of provisions authorized to be procured at the payment of annuities is stated in paragraphs from 37 to 57. The quantity that may be procured under the 16th section of the act just quoted herein will be as follows:

92. For the sub-agency in New York, to the amount of twenty-five dollars.

93. For the sub-agency in Ohio, twenty-five dollars.

94. For the acting superintendency in Michigan, to the amount of fifty dollars.

95. For the sub-agency of Saginaw, to the amount of twenty-five dollars.

96. For the acting agency to Indiana, to the amount of fifty dollars.

97. For the agency of Michilimackinac, to the amount of one hundred dollars.

98. For the sub-agency of the Sault Ste. Marie, to the amount of fifty dollars.

99. For the sub-agency of Prairie du Chien, to the amount of one hundred and fifty dollars.

100. For the sub-agency of Green Bay, to the amount of fifty dollars.

101. For the sub-agency of Lapointe, to the amount of two hundred dollars.

102. For the sub-agency of Crow Wing river, to the amount of two hundred dollars.

103. For the superintendency of Wisconsin, to the amount of two hundred dollars.

104. For the agency for the Sacs and Foxes, to the amount of one hundred dollars.

105. For the agency of St. Peter's, to the amount of two hundred dollars.

106. For the superintendency of St. Louis, to the amount of two hundred dollars.

107. For the agency of Fort Leavenworth, to the amount of fifty dollars.

108. For the agency of Council Bluffs, to the amount of one hundred dollars.

109. For the agency of the upper Missouri, to the amount of four hundred dollars.

110. For the sub-agency of the upper Missouri, to the amount of six hundred dollars.

111. For the sub-agency of the Great Nemaha river, to the amount of fifty dollars.

112. For the sub-agency of the Osage river, to the amount of one hundred dollars.

113. For the acting superintendency of the Western Territory, its agencies and sub-agencies, to the amount of six hundred dollars.

114. If provisions are drawn from the commissariats, the ration will be valued at ten cents, and no greater number of rations will be drawn than could be purchased, at that rate, with the sums allowed.

115. As these allowances, together with those for the payment of annuities, trench very closely on the appropriation, they will in no event be exceeded without the express sanction of the War Department. This rule must not be disregarded from any considerations of expediency.

116. The visits of Indians to the superintendencies, agencies, and sub-agencies, except on actual business, will be at all times discouraged.

117. Where tribes enjoy liberal benefits by virtue of treaty stipulations, especially where they have agricultural implements, and assistance, and stock, they must be induced to provide for themselves, and not to expect aid from the government from this appropriation.

118. Regular abstracts for receipts and issue of provisions will be kept by the person procuring and delivering them, and handed to the military disbursing officer, to be forwarded with the accounts.

#### PRESENTS TO INDIANS.

119. The fifteenth section of this act restricts the distribution of presents to the friendly tribes west of the Mississippi river, and north of the boundary of the Western Territory, and the region upon Lake Superior, and the head of the Mississippi. The northern boundary of the Western Territory was described in a bill providing for the organization of such a Territory, which was submitted to Congress simultaneously with this act, and the act regulating trade and intercourse with the Indian tribes, in 1834, but which did not become a law. As therein described, it was the south banks of the Missouri and Platte rivers. The tribes south of that line cannot, of course, receive presents.

120. The agents of the tribes to whom presents are to be given, will transmit to the superintendent annual statements, showing the domestic animals and implements of husbandry, and goods suitable for the Indians; and these will be purchased in the manner merchandise furnished under treaty stipulations is hereinbefore directed to be procured.

#### PROPERTY.

121. There will be property returns under two separate heads, one to embrace all articles procured for delivery to the Indians under treaty stipulations, and one to embrace all other descriptions of property in the keeping of superintendents, agents, and sub-agents.

122. The returns under the first head to be prepared and forwarded quarterly, showing the date, from whom purchased, or by whom transferred; a detailed list of the articles, with their quantity, arranged under appropriate heads, embracing all articles intended for distribution among the Indians.



123. The returns under the second head to be prepared immediately, and hereafter to be prepared and forwarded annually. These will exhibit, under appropriate heads, a brief description of agency houses, and other buildings, occupied by the agents or other persons in the public employment, when authorized by law, or sanctioned by the department, with their furniture, &c., cost, or present value, and locations, Indian school-houses, farms, farming utensils and stock, blacksmiths' and other mechanic shops, &c.

#### ACCOUNTS AND ACCOUNTABILITY.

124. To insure a more perfect and uniform accountability in the disbursement of money appropriated for the Indian department, and to indicate a plan for keeping, stating, and rendering accounts for settlement, the Commissioner of Indian Affairs will prepare and annex to these regulations such forms as he may think necessary.

#### OFFICIAL LETTERS.

125. The superintendents, principal disbursing agents, and such agents and sub-agents as correspond directly with the War Department, will furnish, monthly, a statement showing the date, contents, &c., of each letter received from the department, together with the date and a brief of the answer.

126. All communications on Indian affairs must be directed to the Commissioner of Indian Affairs.

J. R. POINSETT,  
*Secretary of War.*

WAR DEPARTMENT, *June 1, 1837.*

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#### LIST OF FORMS

##### REFERRED TO IN THE PRECEDING REGULATIONS,

*To be used in preparing and rendering accounts for disbursements, and other statements required of the agents.*

1. Voucher.
2. Abstract for disbursements for current expenses.
3. Abstract for disbursements for treaty stipulations.
4. Account current.
5. Receipt roll for paying Indian annuities to heads of families.
6. Abstract of articles purchased for Indians.
7. Abstract of articles delivered to Indians.
8. Return of property received and issued to Indians.
9. Return of property in charge of agents.
10. General annual abstract of disbursements.
11. Statement of persons employed.
12. Monthly statements of letters received.

These forms are given merely as examples, and are applicable to special cases only. The other returns, statements, &c., required by these regulations, may be made in the forms analogous to these.

C. A. HARRIS,  
*Commissioner Indian Affairs.*

OFFICE INDIANS AFFAIRS, *June 1, 1837.*

No. 1.

VOUCHER.

The United States, Dr.

To

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I certify, on honor, that the above account is correct, and that \_\_\_\_\_ dollars are due to \_\_\_\_\_, which you will pay upon this my requisition.

To \_\_\_\_\_, *Mil. Disbursing Agent*.

Received of \_\_\_\_\_, military disbursing agent, the sum of \_\_\_\_\_ dollars, in full of this account.

NOTE.—If for services rendered, state the nature, period, rate of pay, authority for employment, by whom last paid, and for what period, and amount. If for articles, state the same, of whom purchased, and amount paid.



ABSTRACT FOR DISBURSEMENTS FOR CURRENT EXPENSES.

Abstract of disbursements made by \_\_\_\_\_, military disbursing agent for the \_\_\_\_\_ agency, in the quarter ending \_\_\_\_\_, 18\_\_\_\_, for current expenses.

Dates.	No. voucher.	Names.	For what paid.	Heads of account.			
				Pay of agents.	Sub-agents.	Interpreters.	
			Amount.....				
			On hand & received during the quarter.				
			Balance applicable to next quarter.....				

Approved: \_\_\_\_\_, *Pr. Mil. Disbursing Officer, superintending.*

NOTE.—To embrace pay of agents, sub-agents, and interpreters, presents, provisions, transportation, and incidental expenses and contingencies, for each agency or sub-agency.





## ACCOUNT CURRENT.

The United States in account with \_\_\_\_\_, military disbursing agent for  
the \_\_\_\_\_ agency, for the quarter ending \_\_\_\_\_, 18 \_\_\_\_.

Dr.  
31B

CR.

I certify, on honor, that the above account is just and true as stated; that the disbursements have been faithfully made for the objects expressed in the vouchers, and that the accounts given embrace all public money received by me and not heretofore accounted for.

NOTE.—Credit the sums to be accounted for, and charge the abstracts of disbursements for current expenses and for treaty stipulations to each tribe separately. The balance to show the sum, under each head of account, applicable to payments in next quarter.





# ABSTRACT OF ARTICLES PURCHASED FOR INDIANS.

Abstract of articles purchased for \_\_\_\_\_ for the Indians within the \_\_\_\_\_ agency, in the quarter ending, \_\_\_\_\_, 18 \_\_\_\_.

I certify, on honor, that the above enumerated articles for \_\_\_\_\_ were purchased (under contract or in the markets.)

NOTE.—The abstract to show the date, of whom purchased, and amount. The several articles, with their quantity, to be placed under appropriate heads.

No. 7.

ABSTRACT OF ARTICLES DELIVERED TO INDIANS

Abstract of articles for \_\_\_\_\_ delivered to the Indians within the \_\_\_\_\_ agency, in the quarter  
ending \_\_\_\_\_, 18 .

Dates.	No. voucher.	Names.	Amount.	Articles delivered.			
				Corn, bush.	Pork, lbs.		

We certify that the above mentioned articles were issued to the Indians, as stated, in our presence.

NOTE.—When articles for provisions or presents are delivered to Indians or transferred to agents, the abstract should show the dates, to whom, and the amount, the articles, and quantity delivered or transferred, to be placed under appropriate heads.



RETURN OF PROPERTY RECEIVED AND ISSUED TO INDIANS.

Return of property received and issued by \_\_\_\_\_ within the \_\_\_\_\_ agency, in the quarter ending \_\_\_\_\_, 18 .

Dates.	No. voucher.	From whom received.	Articles.						
			Iron, lbs.	Steel, lbs.	Horses, No.	Cattle, No.	Ploughs, No.	Hoes, No.	Axes, No.
		To whom issued.							

I certify, on honor, that the above return is correct, and embraces all the articles of property received and issued by me in the quarter ending \_\_\_\_\_ .

NOTE.—Returns of property to be rendered quarterly, showing by whom received, and when, enumerating the articles, with their quantity, under appropriate heads; also when distributed or delivered, and to whom. The return to embrace any description of property in charge for public use.

No. 9.

RETURN OF PROPERTY IN CHARGE OF AGENTS.

Statement of all fixed property, with its appendages, in charge of \_\_\_\_\_ at the \_\_\_\_\_ on  
the \_\_\_\_\_, 18 .

For whose or what use.	Cost.	Specific property.				Remarks.
		Mills.	School-houses.	Smith shops.		

NOTE.—An immediate return of property in charge of Indian agents is required to embrace all kinds of buildings, as agency houses, Indian mills, school-houses, shops, &c., subject to repairs at public cost; also of farms, farming utensils, stock, &c., for which the government is responsible; to be afterwards furnished annually. Under the head of remarks state the condition, &c., of the property.



GENERAL ABSTRACT OF DISBURSEMENTS.

General abstract of disbursements made by \_\_\_\_\_, military disbursing agent, within  
the \_\_\_\_\_ agency, for the year ending \_\_\_\_\_, 18 .

To whom paid.	For what paid.	Amount.

No. 11.

STATEMENT OF PERSONS EMPLOYED.

Statement of all persons employed within the \_\_\_\_\_ agency, in the quarter ending \_\_\_\_\_, 18 .

No.	Names.	Date of service.	Employment.	Compensation allowed.

I hereby certify, on honor, that the above statement is correct.

NOTE.—To be prepared by a superintendent, agent, or sub-agent.



MONTHLY STATEMENT OF LETTERS RECEIVED.

Statement of letters received during the month of \_\_\_\_\_, 18 \_\_, by \_\_\_\_\_.

Date of letters received.	From whom received.	Brief of contents.	When received.	Date of answer.	Brief of answer.	Remarks.

## REVISED REGULATIONS.—No. IV.

*Concerning trade and intercourse with Indian tribes.*

## I. LICENSE TO TRADE WITH THE INDIANS.

1. Applications for licenses to trade with the Indians will be made to either the superintendent of Indian affairs, the Indian agent, or sub-agent.

2. No license to trade with the tribes east of the Mississippi will be granted for a term exceeding two years, nor with the tribes west of that river for a term exceeding three years.

3. Suitable and convenient places, at which the trade shall be carried on, will be designated by the person granting the license, and inserted in it.

4. No license will be granted to a person of bad character, or to one whom it would be improper to permit to reside in the Indian country, or to one whose prior license had been revoked.

5. Applicants for licenses will give bond in a penal sum not exceeding \$5,000, with one or more sureties, to be approved by the person granting it, and conditioned that the applicant will faithfully observe the laws and regulations made for the government of trade and intercourse with the Indian tribes, and in no respect to violate the same.

6. Any license may be revoked whenever, in the opinion of the person granting it, the laws or regulations have been transgressed by the person holding it, or it would be improper to permit him to remain in the Indian country.

7. No license will be granted to trade, nor will any trade be permitted with any tribe, intercourse with whom shall have been prohibited by the President.

8. No license to trade will be granted to any persons except citizens of the United States.

9. A license to trade will not authorize the introduction or sale of any spirituous liquor or wine into the Indian country, except such supplies as shall be necessary for the officers of the United States and troops of the service, nor the setting up or continuing of a distillery therein.

10. The right of appeal to the War Department will be reserved to any person whose application for a license has been refused, or whose license has been revoked.

11. Persons granting, refusing, or revoking licenses, will report their proceedings forthwith to the War Department for approval or disapproval.

12. These reports will exhibit the dates of the license, the names of the persons to whom issued, and of their sureties, the terms of each, the amount of the bonds, and of the capital employed, and the district of country for which granted. They will be accompanied by a certificate that the persons to whom the licenses have been issued are citizens of the United States; and they will show the applications for licenses that have been refused, and the licenses revoked, with the reasons for refusing or revoking. They will also show the number of foreign boatmen and interpreters employed under the special provision of the 5th section of this act.

13. All merchandise offered for sale to the Indians, or found in the possession of a white person in the Indian country without a license, will be forfeited, and they will be secured by the proper superintendent,

agent, or sub-agent, by whom legal proceedings to recover the penalty imposed in the 4th section will be instituted and prosecuted in the manner prescribed in the 28th section of this act.

## II. PASSPORTS TO FOREIGNERS.

14. Passports will be granted by either the War Department, the superintendent, agent, sub-agent, or officer in command at the nearest military post.

15. They will express the objects of the persons to whom granted, the time they will be allowed to remain, and the routes they are to travel.

16. Foreigners found in the Indian country, without passports, or remaining therein, intentionally, after the expiration of their passports, will be removed by the proper superintendent, agent, or officer, who will call to his aid military force when necessary, and institute legal proceedings to recover the penalty imposed in the 6th section in the manner prescribed in the 27th section.

## III. INTERCOURSE WITH THE INDIANS.

17. No barter or trade with, or receiving as a pledge from, Indians for or of a gun, trap, or other articles commonly used in hunting, any instrument of farming, cooking utensil, or article of clothing, except skins and furs, will be permitted.

18. No person will be permitted, without the consent of the Indians, to drive or otherwise convey any stock of horses, mules, or cattle, to range or feed on any lands belonging to Indians.

19. No person will be permitted to settle on any lands belonging, secured, or granted to Indians; to attempt the survey of such lands or designate any of the boundaries thereof, by marking trees or otherwise.

20. No person, not acting under the authority of the United States, or as the agent of a State to the extent pointed out in the proviso to the 12th section of this act, will be permitted to hold any treaty with Indians for the purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto.

21. No citizen, or other person, residing in the United States, will be permitted to hold any communication with Indians, for himself or for others, with an intent to disturb the execution of any treaty or measure proposed by the government, the peace of the United States, or to injure its interests.

22. The proper superintendent, agent, or sub-agent will remove persons violating either of the preceding regulations, in the manner prescribed in the 23d section; and institute legal proceedings to recover the penalties imposed in the 7th, 8th, 9th, 11th, 12th, 13th, and 14th sections, in the manner prescribed in the 27th section of this act, and make full reports of all cases of violations to the War Department.

## IV. INJURIES OF WHITES TO THE PROPERTY OR PERSONS OF INDIANS.

23. To bring the crime, offense, or misdemeanor, within the purview of the law, it must be committed in the Indian country, and on the property or person of a friendly Indian.

24. Whenever the right of property is involved, the burden of proof shall rest with the white person whenever the Indian shall make out a presumption of title in himself.

25. Legal proceedings will be instituted in the manner pointed out in the 27th section.



26. Upon conviction being had for an injury to property, the party offending shall pay to the Indian owner twice the value of the property taken, injured, or destroyed; if he is unable, the United States shall pay to the Indian the full value; and the same amount if the offender cannot be apprehended and tried.

27. Upon conviction being had for an injury to the person of an Indian, the offender shall be sentenced according to the laws of the United States, which, by the 25th section, are extended to the Indian country.

28. The United States will not remunerate the Indian in the manner above indicated, if he or any of the nation to which he belongs shall have sought private revenge, or attempted to obtain satisfaction by force or violence; nor shall the offender, in that event, be liable to the provisions of the 25th section.

#### V. DEPREDACTIONS OF INDIANS ON THE PROPERTY OF WHITE PERSONS.

29. It must be shown either that the property has been taken by force or with intent to steal, or that it has been maliciously destroyed, and that the person to whom it belonged was lawfully within the Indian country; that is, with a license to trade, a passport, or the permission of the proper Indian authorities.

30. Application for remuneration must be made by the owner, his representative, attorney, or agent, to the proper superintendent, agent, or sub-agent, within three years after the commission of the injury.

31. The necessary documents and proofs must accompany the application.

32. Oaths may be administered and depositions taken by the proper superintendent, agent, or sub-agent. Whenever the Indian can make out a presumption of title in himself, from the fact of previous possession or ownership, the burden of proof will rest on the white person.

33. The application, documents, and proof must then be transmitted by the superintendent, agent, or sub-agent, to the War Department, for the direction of the President.

34. Whenever directed by him, a demand will be made by the superintendent, agent, or sub-agent, upon the nation or tribe to which the Indian or Indians committing the injury belonged for satisfaction.

35. From the making of such demand of satisfaction the "reasonable time," not exceeding twelve months, will be computed.

36. If within that time the Indian nation or tribe shall refuse or neglect to make satisfaction, the superintendent, agent, or sub-agent will make return of his doings to the War Department, accompanied by the papers connected with the case, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury.

37. Every person making application to the agent for indemnification for injuries committed by Indians upon his property, will be required to make affidavit that neither himself, his representative, attorney, nor agent, has violated the provisions of this law by seeking or attempting to obtain private satisfaction or revenge. Evidence of such "seeking or attempting," if communicated to the superintendent, agent, or sub-agent, will make a part of the return of his doings hereinbefore required.

38. When, by the direction of the President, claims for indemnification, presented and acted upon in the manner herein prescribed, are paid out of the annuities of the Indian nation or tribe, triplicate receipts will be taken from the person receiving such payment express-

ing the nature and circumstances thereof. One of these receipts will be kept by the superintendent, agent, or sub-agent; one delivered to the proper authorities of the tribe, one transmitted to the War Department as a voucher belonging to the abstract of the payment of the annuities.

#### VI. INTRODUCTION, SALE, OR MANUFACTURE OF SPIRITUOUS LIQUORS OR WINE.

39. The sale, exchange, gift, barter, or other disposition of spirituous liquor or wine must be to an Indian, and in the Indian country, to bring it within the purview of the law.

40. The suspicion that a person is about to introduce, or has introduced, spirituous liquors or wine, must be a reasonable suspicion.

41. The search for spirituous liquors or wine will be made by the superintendent, agent, sub-agent, or military officer, who will seize them when found, and proceed against them, by libel in the proper court, or destroy them.

42. Military force may be employed to apprehend persons violating these regulations, and to make the search above prescribed; but no person so apprehended shall be detained longer than five days, and he shall be treated with all the humanity circumstances will permit.

43. The proper superintendent, agent, or sub-agent will forthwith destroy and break up any distillery for manufacturing ardent spirit within his district, and, if necessary, he will apply for military aid. Legal proceedings to recover the penalty prescribed in the 20th and 21st sections will be instituted by him in the manner pointed out in the 27th section of this act.

44. The persons making seizures will report to the War Department every case, stating the kinds, quantities, and values of the liquors or wines seized, the dates of the seizures, the persons by whom and from whom taken, the places of deposit, the legal proceedings in relation to them, the expense thereof, the decision of the court, and the ultimate disposition of the articles.

45. The military officer commanding the district, or the nearest military post, will comply with the requisitions of the superintendent, agent, or sub-agent, for aid to enable them to carry into effect these regulations, in the cases indicated herein, and in the 23d section of the act to regulate trade and intercourse, of June 30, 1834.

J. R. POINSETT,  
*Secretary of War.*

WAR DEPARTMENT, *June 18, 1837.*

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#### REVISED REGULATIONS.—No. V.

##### *Concerning the emigration of Indians.*

The removal and subsistence of Indians have been committed to the Commissioner of Indian Affairs, and the following regulations for conducting that service, and for the accountability therein, are adopted, by which all officers and agents will be governed, and to which they will strictly conform:

#### OFFICERS AND AGENTS.

1. The officers and agents who will be employed in the removal and subsistence of Indians, according to the requirements of the particular



service, are as follows: 1. Superintendents. 2. Assistant superintendents. 3. Enrolling agents. 4. Conductors. 5. Assistant conductors. 6. Interpreters. 7. Physicians.

2. The superintendent will superintend the removal of each tribe, or of the Indians within certain specified limits. To him will be committed the general operations, comprehending the duties and conduct of the various persons employed, the preparatory arrangements, the enrollment and collection of the Indians, the route, the mode of traveling, their movement and subsistence, and generally everything connected with this object.

3. All persons appointed by the government to aid in the business of removal will report to and receive the instructions of the superintendent, and with the exception of disbursing agents, may be suspended by him from employment, for causes appearing to him to be just; but the same shall be immediately reported to the War Department for its consideration and decision.

4. Each superintendent shall, immediately upon entering upon his duties, or whenever thereafter it may become necessary to employ assistants, submit to the Commissioner of Indian Affairs the names of the persons proposed to be employed, the nature of the duties to be assigned to them, and the amount of compensation proposed to be given. No person shall be employed, except temporarily and from necessity, without the previous sanction of the department. Appointments of this nature will sometimes be made by this department, of which due notice will be given.

5. The superintendents will communicate to the Commissioner of Indian Affairs every occurrence the knowledge of which can be useful; they will make weekly reports of their progress and operations; they will certify the quarterly abstracts of the disbursing officers; they will, at least once a quarter, transmit a statement of the names, stations, employment, and compensation, of the various persons in service, and the business they have performed during the preceding quarter; they will, from time to time, furnish the disbursing officers with such information as may enable the latter to prepare and forward the requisite estimates; they will make requisitions upon the disbursing officers for payments for services and supplies, and will be held accountable for errors and inaccuracies therein, except those of calculation.

6. The assistant superintendents will aid the superintendent in the discharge of his duties, and carry into effect such instructions as may be given by him in relation to emigration.

7. Enrolling agents will, under the supervision and direction of the superintendent, enroll the Indians for emigration.

8. Conductors will take charge of emigrating parties on the route, and will have the entire control of their respective parties, and may direct as to the marching and halting and periods of rest; the time and places of issuing provision; the transportation of the sick and feeble, and of the baggage; and they will see that the parties are kept together, so that no stragglers shall be left; and that subsistence is distributed so that each individual shall be supplied, and that the comfort of the Indians is properly attended to, in conformity with these regulations or special instructions from the Commissioner of Indian Affairs, or from the superintendent. He will keep a journal in which will be entered a daily memorandum of the number of miles traveled; of the impediments, if any, which prevented a more rapid progress; of the time of marching and encamping, if by land; of the nature of the subsistence and mode of obtaining it, and of every other occurrence



that may enable the government to form a judgment of the mode in which the business has been done; which journal he will forward to the Commissioner of Indian Affairs.

9. Assistant conductors will be under the directions of the conductor while on the route, and will aid him in the discharge of his duties, and obey such directions as he may give in relation thereto.

10. Interpreters will be the medium of communication between the officers and agents of the government and the Indians; they will be subject to the direction of the superintendent, and when accompanying emigrating parties, will be under the direction of the conductor.

11. Physicians will be charged with all things relating to the medical service in emigration, and will be divided into two classes, viz: directing physicians and attending physicians. Directing physicians will have the general supervision and direction of the medical department of a tribe, will be charged with supplying medicines under the supervision of the superintendent, and will superintend the service of the attending physicians. Attending physicians will accompany parties, and perform all services in the line of their profession which may be required. The directing physician will, where it may be necessary, perform the duties of attending physicians.

12. The officers of the quartermaster and commissary's department will, at their several stations, perform such occasional service in receiving and forwarding provisions, goods, and other property, providing transportation for the same, and in disbursing money as may become necessary in the prosecution of the business of emigration of Indians, and which the Commissioner of Indian Affairs may require them to perform.

#### COMPENSATION.

13. The following will be the compensation of the different officers and agents employed in the removal and subsistence of Indians, and will be in full of all expenses and services whatever:

A superintendent, two thousand dollars per annum.

Assistant superintendent, four dollars per day.

Enrolling agent, four dollars per day.

Conductor, when not an officer of the army, five dollars per day.

Assistant conductor, three dollars per day.

Interpreter, two dollars and fifty cents per day.

Directing physician, six dollars per day.

Attending physician, five dollars per day.

14. Persons employed in collecting Indians, taking charge of teams and other duties of a similar nature, will not be allowed more than two dollars and fifty cents per day, to include their expenses; and laborers will be employed agreeably to the custom of the place, where their services are wanted.

15. No horses will be purchased or supplied by the United States for the use of those who are engaged in this business, but the compensation allowed them will be in full for all services and expenses of every nature and description; excepting while such persons accompany a detachment of Indians, their actual transportation and subsistence will be paid; and ten cents per mile, computing by the nearest route, will be allowed for their return. But this article will not extend to expresses.

16. It is to be distinctly understood that persons engaged in this duty will travel from place to place, wherever required, finding their own

horses, and bearing all their expenses, with the single exception stated in the preceding article, when they are ordered to accompany a detachment of Indians west of the Mississippi.

#### DISBURSEMENTS.

17. All the disbursements required for the various objects connected with the removal of Indians will be made by officers of the army, who will be assigned to that duty, and who will, from time to time, be furnished with funds for that purpose.

18. These officers will carry into effect the instructions of the Commissioner of Indian Affairs, and of the superintendents, so far as the same are in conformity with the general authority given by these regulations, or by special direction from the War Department.

19. Payments for all services as well as supplies will be made by these disbursing officers, upon the requisition of the superintendents, or in pursuance of authority from them, or from this department; and duplicate vouchers will, in all cases, be taken, expressing fully the nature of such service and supplies, and whatever may be necessary to enable the accounting officers to judge of the propriety and reasonableness of the charge.

20. Disbursing officers may be assigned by the superintendent, or the Commissioner of Indian Affairs; to act also as conductors of emigrating parties.

21. The disbursing officers will transmit *estimates* whenever funds are required, showing in detail the application it is intended to make of such funds, together with a statement of the amount, if any, on hand, and the payments for which such amount is required; and funds will be furnished, either by remission from the treasury or by drafts upon the War Department, as the Commissioner of Indian Affairs may judge best. But no drafts shall be drawn by any officer upon the government, unless previous authority for that purpose has been given.

22. All accounts and vouchers will be transmitted to the Commissioner of Indian Affairs immediately after the close of each quarter; and abstracts of expenditures showing the application of the funds will be transmitted at the end of every month.

#### TRANSPORTATION.

23. The route and mode for transportation will be determined by the superintendent, having a just regard to economy and the health and comfort of the Indians.

24. When persons or families agree to transport themselves, and are considered capable of doing so, they will be allowed a just commutation therefor, which will be fixed by the Commissioner of Indian Affairs on an examination of the probable expense. Whenever, in pursuance of treaty stipulations or by permission of the Commissioner of Indian Affairs, families or parties of Indians shall undertake to remove themselves, a roll of each of such parties or families shall be made out by the superintendent having charge of such removal in the usual form, and stating in the caption thereof the terms on which such party removes, and the amount which they have received, or will be entitled to receive; a copy of which shall be immediately forwarded to the disbursing officer west, and a duplicate also forwarded to this department; and no claims for, or on account of, such removal will be allowed, unless supported by such rolls, as well as the other usual vouchers.



25. The amount necessary to be advanced to such persons previous to their departure will be determined by the Commissioner of Indian Affairs, and will be paid when they are upon the point of commencing their journey under such regulations as he may prescribe.

26. No persons except those who are too young, or too infirm to travel on foot, will be transported in wagons or upon horses.

27. The amount of baggage will not exceed fifteen hundred pounds for every fifty persons, unless specially permitted by the Commissioner of Indian Affairs; nor will any wooden furniture or heavy utensils be carried. The baggage must principally consist of necessary clothing, bedding, &c., light cooking utensils, and a few tools for agricultural and mechanical purposes; and no superintendent or other agent will, without permission from the Commissioner of Indian Affairs, receive any other baggage than as herein specified, to be transported by the United States, and for which they are to be responsible.

28. The baggage of each detachment will be weighed, and a certificate thereof, signed by some respectable person employed, will be transmitted with the accounts. The quantity to be carried in each wagon must, of course, depend upon the judgment of the conductor of the party, who will likewise point out the persons whose circumstances require they should ride. (See Form No. 17.)

29. Where the route is by water a contract will be made, if the same can be done upon reasonable terms, for the transportation of each individual from the place of departure to the place of destination, or for as much thereof as can be effected. If this cannot be done, it will then be proper to charter a boat for the voyage, at a fixed rate. And, lastly, should either of the other modes be found unreasonable or impracticable, then a contract may be made for the hire of a boat by day. But this is considered the least economical plan, and therefore not to be resorted to till the others fail.

30. Wagons will be hired at a fixed rate, by the hundred, if convenient, and if not, by the job; and where neither of these can conveniently be done, then by the day, with a previous understanding as to the weight and persons to be carried and the daily distance to be traveled. Where forage can be found by the owners, the contracts will be so made; but where it cannot be, it will be supplied by the United States. The United States will not be responsible for any accidents.

31. Forage for the teams will be purchased in the manner prescribed for other supplies, and will be issued upon returns, in the mode pointed out for provisions. The quantity will be eight pounds of hay or fodder, and eight quarts of corn, or twelve quarts of oats, for each animal per day.

32. Every detachment, previous to their departure, will be mustered, and muster-rolls, exhibiting the names of the heads of families, and the numbers and ages of the persons composing the same, distinguishing their sexes, and naming also those individuals not members of any families, will be made out and certified by the superintendent, upon his *personal examination*; one of which shall be forwarded to the Commissioner of Indian Affairs, and another shall be delivered to the conductor of the party. On the arrival of the party west, at their place of destination, a remuster shall be made by the agent receiving the party, and the changes in the detachments shall be accounted for in a column of remarks, and the number of the party, by personal examination on such muster, certified by the agent so receiving; a copy of which shall be forwarded to the office of Indian Affairs. (See Form No. 18.)

## SUPPLIES.

33. It is desirable that all the important supplies should be procured by contracts upon previous public notice inviting proposals, and this rule will be adhered to where there are not strong reasons to the contrary; and where there are, they will be reported to the Commissioner of Indian Affairs.

34. All contracts not immediately executed and completed, and exceeding fifty dollars in value, will be in writing, and duplicates thereof will accompany the vouchers. Adequate security for the faithful performance of all contracts exceeding three hundred dollars in value will be required.

35. Previous to the departure of any party of emigrants, the agent having superintendence of the emigration will give seasonable notice to the disbursing officers west of the Mississippi, whose duty it is to provide for the reception and subsistence of such emigrants west, in order that proper measures may be there taken for the subsistence and transportation of such party; such notice will state the probable number of the party, the time of its departure, the probable time of its arrival on the Mississippi and at other points of destination, and the route which it will pursue. Strict attention to this duty will prevent much suffering, inconvenience, and expense, as the necessary consequence of throwing on the hands of the agents west large bodies of emigrants to be provided for, without notice, and from the limited supplies of that part of the country. The conductor of each party will also, from time to time, report to the proper disbursing agent west his progress on the route, and communicate all information which may be useful.

36. A principal disbursing agent will be located at Little Rock, Arkansas, and also at St. Louis, Missouri, who will perform west of the Mississippi all the duties necessary to the removal and subsistence of the Indians in their respective limits. They will be assisted in the service by disbursing agents, who will be designated for that purpose, and will receive and execute instructions from the proper principal disbursing agent, and from the office of Indian Affairs.

37. Special instructions will be given by the Commissioner of Indian Affairs respecting the provisions required for the subsistence of the Indians after their arrival in the country west of the Mississippi. These will, in all cases, be procured upon contract, to be based upon proposals previously issued.

38. Blankets and other articles required by treaty stipulations to be delivered to Indians, and which can be better procured in the principal commercial cities than in the interior, will be purchased by the Commissioner of Indian Affairs and forwarded for delivery to the proper agent. None but the Mackinac blankets, so called, will be procured for Indians. These are much better suited to their wants and tastes than any others. Three and a half points must weigh ten pounds per pair; three points, eight pounds per pair; and two and a half points, six and a fourth pounds per pair.\* One-half of any quantity should be three and a half points, one-quarter three points, and one-quarter two and a half points. Certificates of delivery, witnessed by two credible persons, will in all cases be required.

## PROVISIONS.

39. The ration will consist of one pound of fresh beef or fresh pork, or of three-fourths of a pound of salt pork, and of three-fourths of a quart of corn or of corn meal, or of one pound of wheat flour, to each person, and of four quarts of salt for every one hundred persons.



40. Provisions will be issued in steamboats as frequently as convenient, to prevent their being improvidently used; and by land they will be issued once a week or oftener, depending upon the situation of the party, and upon the facility of reaching points where provisions may be deposited or purchased. On land routes it will be proper to have depots of provisions at reasonable distances, unless where such routes are through the settled country, affording at all times and a reasonable prices adequate supplies.

41. These provisions will be procured either by contract, as already provided, or by purchase in open market. Except in a country where supplies are abundant, and while traveling, the former mode is preferable.

42. It is recommended that contracts be previously made for issuing such quantities of provisions as may be wanted, at proper places, during the collection of the Indians, and at suitable points upon the route. The contractors to be at every expense attending the delivery and distribution of the provisions, and the issues to be made under the inspection and direction of the officer having charge of the detachment, and none to be issued which are not examined and approved by him, and weighed or measured in his presence. Under such an arrangement, however, it will be necessary to ascertain, previously to the departure of any detachment, that the necessary provisions are ready, and to provide them otherwise when there is a failure, lest the Indians might suffer where provisions could not be procured.

43. Where provisions are issued by contractors, the issue will be made upon provision returns, to be drawn by the officer having charge of the detachment; which detachment will be divided for their more convenient receipt, as he may think proper. He will abstract the whole in the usual mode at the end of each month, or sooner, if the contract relating to his detachment is fulfilled, and will certify that he saw the provisions delivered; and he will take special care that the issues do not exceed the quantity due by the muster-rolls. These abstracts will also be certified by some other respectable person in employment, and will, together with the contracts and bills of parcels, form the vouchers of delivery. The provision returns will be transmitted to the Commissioner of Indian Affairs.

44. Where the provisions are not issued by the contractor, but by the officer in charge of the detachment, he will call to his aid some respectable person employed in the business, upon whom the returns will be drawn, and who will take immediate charge of the issues; and whether issued by contractors or by the conductor, the latter will see that the provisions are properly distributed to the emigrants, so that each individual shall be supplied with proper subsistence.

45. The same principles will, in like manner, regulate the issues to the Indians during the first year after their arrival at the places of their permanent residence. But as they will then be placed beyond the reach of many of those temptations which now assail them, such issues may be made at longer intervals, and in larger quantities. Cattle or hogs may be delivered upon just estimates on foot, and by these means much expense will be saved. The Indian agent will determine whether a just regard to the convenience of the Indians requires the designation of more than one place at which these issues shall be made.

46. The year within which subsistence is to be provided will commence upon the day each party arrives in the country assigned to them. The conductor, and also the agent west, taking charge of such party, will immediately report to the department the arrival of every party, and will, at the same time, transmit any explanations rendered necessary by any change since the last muster.

47. Families or individuals detained by sickness or other unavoidable causes, and unable to reach their destination at the same time with the party to which they belong, will be allowed to draw for the term of one year after the termination of their journey; but those who quit their party unnecessarily will only draw as long as such party draws.

#### MISCELLANEOUS.

In the collection of the Indians, special care will be taken that sufficient previous notice is given, and a day and place of meeting assigned; and in this their wishes and opinions will be consulted, so as to allow them ample time to make all their arrangements; and, in the mean time, they will be reminded of the necessity of punctuality. No provisions will be issued till the arrival of the day which has been fixed for assembling, and on that day the journal of occurrences will be commenced. Every exertion will be used to set out as soon thereafter as possible. Two weeks, if necessary, will be allowed for them to collect after the day fixed, but no longer, unless some unforeseen accident happens.

49. Superintendents and disbursing agents will forward to this office, on the first day of every month, a statement of letters received from and written to this office, on the Indian emigration, and the dates of writing and reception.

50. The attention of the superintendent and disbursing agent is also drawn to the *appointments of any agents* whom they are authorized to appoint. As soon as they are made, this office should be advised, and the date of commencement of service, nature of duties, rate of compensation, &c., distinctly stated.

51. No purchases of sugar, tea, coffee, or of any other article not embraced in the ration, will be made, unless deemed necessary for sick Indians.

52. *Medicines* will only be procured when actually required, or danger from sickness is apprehended. In no instance will full medicine chests or surgical instruments be purchased.

53. No kind of property, including tools, &c., will be purchased, unless it be indispensable; and it will, as soon as propriety will admit, be disposed of.

54. *No presents* will be made to Indians, unless under the sanction of the department; and all promises will be avoided if not in the contemplation of the instructions.

#### ACCOUNTS AND ACCOUNTABILITY.

55. The accounts of the removal and subsistence of the Indians are distinguished into monthly and quarterly, and the expenditures divided into three heads—subsistence, transportation, and contingencies.

1. *Subsistence*.—This will consist of all kinds of subsistence for Indians—corn, beef, salt, rations, &c.

2. *Transportation*.—This will consist of steamboat hire, wagon hire, purchases and expenses of wagons, horses, oxen, boats; purchases of forage for teams, and subsistence for teamsters; commutation of transportation, ferriages, &c.

3. *Contingencies*.—To embrace the pay and transportation of agents, clerks, teamsters, interpreters, and expresses; the cost of tools and of all other instruments; the expense incurred in the opening of roads; hospital expenses, &c.

The monthly accounts will consist *alone* of three abstracts under the



above heads, and will be made for the first and second months of each quarter. The vouchers will not accompany them. The quarterly accounts will be made up in accordance with the following rules:

*Account current.*

56. Credit the moneys received from the United States, and by transfer from others; and debit the amount of the three abstracts of disbursements, and the moneys transferred to others. (See Form No. 1.)

*Note.*—Transfers of moneys will be entered only on accounts current, supported by a receipt, and must not be put on any abstract of disbursements.

*Abstract of disbursements for subsistence.*

57. Enter all purchases of subsistence for Indians, (including rations received under contract,) and the cost of its transportation, &c. (See Form No. 2.)

*Abstract of disbursements for transportation.*

58. Enter all charges appertaining to the transportation of Indians, and no other kind of transportation. (See "Transportation" above, and Form No. 3.)

*Abstract of disbursements for contingencies.*

59. (See "Contingencies" above, and Form No. 4.)

*Return of provisions and forage.*

60. Charge, first, the provisions, from the abstract of disbursements for subsistence; secondly, the provisions and forage, from the abstract of disbursements for transportation. Credit the issues per abstract of provisions and forage issued, and by sale or transfer to another agent. (See Form No. 5.)

*Abstract of provisions issued.*

61. Enter, first, issues of subsistence to Indians, including rations; and, secondly, the issues of subsistence to other than Indians, viz: teamsters, laborers, &c. This abstract will show the date of the commencement of issuing to each party, and the date of its arrival in the new country. (See Form No. 6.)

*Abstract of forage issued.*

62. The entries will show the kind of forage, number of horses, &c. (See Form No. 7.)

*Return of property.*

63. There will be property under each of the *three* heads of disbursements, but particularly under that of transportation and contingencies. The entries will be made from the abstract, specifying from whence derived. No return will be made of small articles of *stationery*. (See Form No. 8.)

*Statement of treaty articles.*

64. Agents receiving articles for delivery to Indians under treaty stipulations conditioned upon their removal, whether by purchase or transfer, will make a quarterly return thereof to the Commissioner of Indian Affairs for each tribe, respectively, showing the articles received, on hand, and issued or transferred during the preceding quarter. A receipt for articles transferred from one agent to another will accompany the return as voucher for the agent so transferring. (See Form No. 9.)

*Provision and forage check.*

65. These checks are specified *returns*, exhibiting the quantities actually issued. The entries will also be made on the margin, to avoid errors in settlement. When an issue of provision is required, a check will be drawn by the disbursing officer on the contractor. The assistant, where one is employed, will certify on the back of the check, "I have witnessed the issue of the subsistence within required." Where one is not employed the disbursing officer will make this certificate. The original checks will be forwarded, as evidence, with the accounts, and the margins kept by the agent, in case of accident to the others in their transmission. (See Form No. 10.)

*Miscellaneous.*

66. *Articles of agreement or contracts* will be entered into in accordance with the regulations; they will be forwarded as soon as made, a duplicate or copy being kept by the disbursing officer.

67. *The vouchers* of the quarterly accounts will express the nature of the purchase or service as specifically as possible. Where services are paid for, the beginning and termination must be expressed, commencing on the \_\_\_\_\_, and ending on the \_\_\_\_\_, and not from \_\_\_\_\_ to \_\_\_\_\_. Where the time of service was at intervals, the several periods must be explicitly named. The signatures of principals will be required, except in case of absence, and then a certificate that the agent was believed to be duly authorized will answer. But where an order is given for payment, a power of attorney must be furnished; and in cases of administration, an authenticated copy of the letters.

68. *Wagons and teams*, when engaged, will be entered on a roll in the name of the owner, or of the person understood to be duly authorized to receipt for the wages, and the entry signed by him. This will be done at the time of engagement. Anything occurring subsequently to affect the contract will be noted in the space for remarks. When there is any uncertainty, let the wagons and teams be entered upon condition of accepting as many as may be wanted, taking them in the order of the roll; provided those ordered are good and sufficient. (See Form No. 12.)

69. *Agents* will be paid compensation and expenses by the disbursing agents, on the requisition of the superintendent, who will be held accountable for errors and inaccuracies, except those of calculation. (See Form No. 13.)

70. *The rule as to compensation* is, that the pay of no agent will commence till he reports, in person, for duty to his immediate superintendent, and that pay continues until the arrival west of the Indians who are accompanied by the agent, and no longer. The rule with regard to the transportation of agents is, that they shall receive no allowance for transportation *going to duty*, nor while *upon duty* at or near any point of location,



but that they shall get their actual expenses traveling west with the Indians, and ten cents a mile, by the nearest route, returning from that duty. Exceptions to the strictness of this rule will be especially provided for by instructions, or on application to this office. Disbursing agents will be paid their *actual traveling expenses*, in all cases, upon a certificate on honor.

The actual expenses of all other persons when accompanying Indians west of the Mississippi will be in detail, from day to day, and from place to place, as specific as possible. The original memorandum will accompany the superintendent's requisition, and be transmitted to this office.

71. The monthly abstracts need only be forwarded by disbursing agents who are *located*, except where otherwise required.

72. Particular attention should be paid to the *quarterly statement of agents*. This should be regularly furnished by both superintendent and disbursing agent, and should exhibit a succinct account of the duties and labors of every person employed. (See Form No. 14.)

73. Too much care cannot be taken to note correctly the distances traveled and charged for. Let them always be stated on the best authority. Where they are not found on the post office book, and a post route is traveled, the certificate of the postmaster should, if convenient, be procured.

74. The *ferriage accounts* will be certified by the conductors of parties. They will, in every case, state distinctly the number of Indians, wagons, ponies, &c., with the cost of the ferriage of each one. As ferriages are very expensive, it will be advisable for the disbursing agent, conductor, &c., according to circumstances, to make an agreement for all that may pass over ferries at a reduced price. This has been done heretofore, and resulted in a great saving to the United States.

75. *Estimate of funds*, in detail, for the *next* quarter will be forwarded regularly by the disbursing agent, so as to reach Washington at least twenty days before the expiration of the *current* quarter. No item will be inserted in the estimate unless it be expressly authorized by this office. (See Form No. 15.)

J. R. POINSETT,  
*Secretary of War.*

WAR DEPARTMENT, May 13, 1837.

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## LIST OF FORMS

### REFERRED TO IN THE PRECEDING REGULATIONS.

1. Account current.
2. Abstract of disbursements on account of subsistence.
3. Abstract of disbursements on account of transportation.
4. Abstract of disbursements on account of contingencies.
5. Return of provisions and forage.
6. Abstract of provisions issued.
7. Abstract of forage issued.
8. Return of property.
9. Statement of treaty articles.
10. Provision and forage check.
11. Bill of parcels.
12. Roll of wagons and teams.
13. Agents' accounts for services.

14. Quarterly statement of agents.
15. Estimate of funds.
16. Abstract of disbursements for subsistence, or transportation, or contingencies.
17. Baggage certificate.
18. Muster-roll.

In addition to the above, the following papers will be required; but, as to the forms of which, the agents and others will be governed by their own views:

Weekly report, (see paragraph 5.)

Journal of occurrences, (see paragraph 8.)



No. 1.

The United States in account current with \_\_\_\_\_, on account of the removal and subsistence of \_\_\_\_\_ Indians,  
for the quarter ending the \_\_\_\_\_ day of \_\_\_\_\_, 18 .

Dr.

Cr.

Dates.	Dollars.	Cents.	Dates.	Dollars.	Cents.

I certify that the above account of moneys received and expended by me, in the period above stated, is just and true.

No. 2.

\* Abstract of disbursements on account of subsistence by \_\_\_\_\_, agent of the United States for the removal and subsistence of the Indians, in the quarter ending the \_\_\_\_\_ day of \_\_\_\_\_, 18 .

Date.	No. of voucher.	To whom paid.	Pork:	Beeves.	Slaughtered beef.	Flour.	Corn meal.	Corn.	Salt.	Rations.	Amount.		Remarks.
			Bbls. lbs.	No. and estimated weight.	Pounds.	Bbls. lbs.	Pounds.	Bushs. qts.	Bushs. qts.	No.	Dolls. cts.		

I certify, on honor, that the above abstract is just and true.

NOTE.—When any charge is made for which there is no head, to wit, for “Transportation of Subsistence,” it may be described in the space for “Remarks.”

\* See paragraphs 55 and 57.



\* Abstract of disbursements for transportation by \_\_\_\_\_, agent of the United States for the removal and subsistence of Indians, in the quarter ending the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

I certify, on honor, that the above abstract is just and true.

\* See paragraphs 55 and 58.

No. 4.

\* *Abstract of disbursements for contingencies by* \_\_\_\_\_, *agent of the United States for the removal and subsistence of Indians,*  
*for the quarter ending the* \_\_\_\_\_ *day of* \_\_\_\_\_, 18 .

Date.	No. of voucher.	To whom paid.	For what paid.	Amount.	Remarks.

I certify, on honor, that the above abstract is just and true.

\* See paragraphs 55 and 59.



No. 5.

Return of provisions and forage received by \_\_\_\_\_, and issued to the removing \_\_\_\_\_ Indians, at \_\_\_\_\_,  
in the quarter ending the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

Date.	No. of voucher.	From whom received.	Pork.	Beef.	Flour.	Corn.	Corn meal	Salt.	Rations.	Remarks.
			Bbls. lbs.	Lbs.	Bbls. lbs.	Bushs. qts.	Bushs. qts.			
Total to be accounted for.....										
Total issued .....										
Balance on hand .....										

I certify, on honor, that the above return is correct.

No. 6.

Abstract of provisions issued by \_\_\_\_\_ to the removing \_\_\_\_\_ Indians, at the \_\_\_\_\_ in the quarter \_\_\_\_\_ ending the \_\_\_\_\_ day of \_\_\_\_\_, 18 .

Date.	No. of persons.	Days drawn for.	Com- mencing.	Ending.	Rations of pork.	Rations of beef.	Rations of flour.	Rations of corn.	Rations of corn meal.		Remarks.
Total rations.....											
					Bbbs. lbs.	Pounds.	Bbbs. lbs.	Bbbs. lbs.	Bush. qts.		
Quantity in bulk.....											

I certify, on honor, that the above mentioned provisions were issued to the Indians as above stated.

\* See paragraphs 43 and 61.



No. 7.

\* Abstract of forage issued by \_\_\_\_\_ to the horses, &c., employed in the removal of the \_\_\_\_\_ Indians, during the quarter ending the \_\_\_\_\_ day of \_\_\_\_\_, 18 .

Date.	No. of voucher.	No. of horses, &c.	Days drawn for.	Com- mencing.	Ending.	Rations of corn.	Rations of	Rations of	Remarks.
Total number of rations.....									
Quantity in bulk .....									
						Bush. qts.	Bush. qts.	Pounds.	

I certify, on honor, that the above mentioned forage was issued as stated.  
\* See paragraphs 31 and 62.

No. 8.

Return of property received and issued by \_\_\_\_\_, agent in the removal and subsistence of \_\_\_\_\_  
Indians, in the quarter ending \_\_\_\_\_, 18 .

Date.	Number of voucher.	From whom received.						
Total received.....								
		To whom issued.						
Total amount issued.....								
Total amount on hand .....								

I certify, on honor, that the above return is correct. (Signed) \_\_\_\_\_ of the removal and subsistence \_\_\_\_\_ Indians.

NOTE.—Fill up the property list alphabetically.

\* Statement of articles due the \_\_\_\_\_ article of the treaty of \_\_\_\_\_; 18 \_\_\_\_\_, with \_\_\_\_\_ Indians, under stipulations in the \_\_\_\_\_; and the disposition made of the same, for the quarter ending \_\_\_\_\_ that tribe, received by \_\_\_\_\_.

51 B

\* See paragraph 64.



\* PROVISION OR FORAGE RETURN.

No. _____.	No. _____.										
Number of _____.	Return for _____ emigrating _____ Indians for										
Number of days _____.	_____ days, commencing on the _____ day of _____, and ending on the _____ day										
	of _____, 18 _____, inclusive.										
Rations _____	<table><tr><td>No. of _____</td><td>No. of days.</td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr></table>	No. of _____	No. of days.								
No. of _____	No. of days.										
Dated at _____.	The _____ will issue										
_____	dated at _____, 18 _____.										
_____, 18 _____.											

\* See paragraphs 43 and 65.

THE UNITED STATES,

To \_\_\_\_\_, Dr.

Date.		Dollars.	Cents.

The above account is approved, and the disbursing agent is hereby required to pay the same as stated.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 .  
\_\_\_\_\_, Superintendent.

Received, \_\_\_\_\_, 18 , of \_\_\_\_\_, agent of the United States for the removal and subsistence of \_\_\_\_\_  
Indians, \_\_\_\_\_ dollars and \_\_\_\_\_ cents, in full of the above account.

No. 12.

\* A roll of wagons and teams employed in the removal of the \_\_\_\_\_ Indians, commencing \_\_\_\_\_, ending \_\_\_\_\_; party conducted by \_\_\_\_\_, and under the superintendence of \_\_\_\_\_.

The undersigned agree to furnish to \_\_\_\_\_, agent of the United States, when required, within \_\_\_\_\_ days, the wagons and teams set opposite to our names in this roll; both to be of good quality, and sufficient to haul, the distance required, one thousand five hundred pounds; the United States to be liable for no accidents of any description.

Date of entry.	Signatures of owners.	Witness.	Commencing.	Ending.	No. of days employed.	No. of horses or oxen.	Pay per day.		Amount paid.	Receipt.	Witness.	Remarks.
							Going.	Return- ing.				

I certify that the teams above paid for were entered in the names of the persons authorized to receive pay for the same.  
Approved: (Signed)

\_\_\_\_\_, Disbursing Agent \_\_\_\_\_ Indians.  
Special Agent and Superintendent.

\* See paragraph 68.



For his pay as \_\_\_\_\_, in the removal and subsistence of \_\_\_\_\_ Indians, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, and ending on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, being \_\_\_\_\_ days, at \$ \_\_\_\_\_ per day. \_\_\_\_\_

For his actual expenses for transportation and subsistence while attending detachment of emigrating Indians west, for \_\_\_\_\_ days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, and ending on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, as per memorandum herewith. \_\_\_\_\_

For his return traveling allowance from \_\_\_\_\_ to \_\_\_\_\_, being \_\_\_\_\_ miles, at ten cents per mile. \_\_\_\_\_

To \_\_\_\_\_, disbursing agent of the \_\_\_\_\_ emigration:

SIR: The foregoing account of \_\_\_\_\_ is approved, and you are hereby required to pay the same as above stated.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

\_\_\_\_\_, Superintendent.

Received this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, of \_\_\_\_\_ disbursing agent for the emigration of the \_\_\_\_\_ Indians, \_\_\_\_\_ dollars and \_\_\_\_\_ cents, in full of the above account. (Signed duplicates.)

\* See paragraph 69.

No. 14.

\* Quarterly statement of agents and others employed in the removal and subsistence of the \_\_\_\_\_ for the quarter  
 ending \_\_\_\_\_, 18\_\_\_\_, by \_\_\_\_\_, special agent.

Number.	Names.	Stations.	Dates of employment.	Compensation.	REMARKS. Showing the nature of the employment, what business was performed during the quarter, &c.

\* See paragraph 5.





No. 16.

\* *Monthly abstract of disbursements for the subsistence of the* \_\_\_\_\_ *Indians, for the month of* \_\_\_\_\_,  
18   , *by* \_\_\_\_\_.

Date.	To whom paid.	For what paid.	Dollars.	Cents.	REMARKS.  Showing whether the payments will continue; how long; the necessity for their continuance; what addition may become necessary, or reduction may be made; distinguishing between payments for the consumption or use of the present month, and for succeeding months, &c.

I certify, on honor, that the above abstract is just and true.

(Signed)

Dated \_\_\_\_\_ 1st, 18   , \_\_\_\_\_ in the removal and subsistence of the Indians.

\* An abstract under *each* of the heads of "subsistence," "transportation," and "contingencies" is required *monthly*. See paragraph 22.

No. 17.

## \*BAGGAGE CERTIFICATE.

I hereby certify that I have seen the baggage of a company of \_\_\_\_\_  
\_\_\_\_\_ Indians, about to remove west of the Mississippi,  
under the direction of \_\_\_\_\_  
weighed ; and that said baggage weighed \_\_\_\_\_  
pounds, and did not exceed the amount allowed by the regulations.

Dated \_\_\_\_\_, 18 .

(Signed) \_\_\_\_\_.

\* See paragraph 23.

No. 18.

\* Muster roll of a company of \_\_\_\_\_ Indians about to emigrate west of the Mississippi river, under the direction of \_\_\_\_\_.

Names of heads of families.	NUMBER AND AGES OF INDIANS.								NUMBER OF SLAVES.		TOTAL NUMBER.	REMARKS.
	Males.				Females.				Males.	Females.		
	Under 10.	Of 10 and under 25.	Of 25 and under 50.	Over 50.	Under 10.	Of 10 and under 25.	Of 25 and under 50.	Over 50.				

I certify that I have examined the above roll.

(Signed)

\_\_\_\_\_, Enrolling Agent.

(Signed)

\_\_\_\_\_, Special Agent and Superintendent.

NOTE.—The names of individuals not belonging to any family will be distinguished by an (\*.)

\* See paragraph 2,



*Additional regulations for paying annuities and executing treaty stipulations.*

1st. Superintendents to be general receivers of funds within their superintendencies, which they shall distribute in their several districts, by requiring the presence of one agent or sub-agent at the superintendency, through whom the moneys shall be conveyed to the different agencies.

The actual and necessary expenses of the agent or sub-agent who renders this service shall be paid.

2d. Annuities to be remitted as follows: those that it will be necessary to send early on account of difficulty of transmission by water (on the Missouri and Arkansas) to be remitted first, and those for the Mississippi and lake country at a proper interval within the time that the money is expected.

The same of goods and other articles under treaties.

3d. Moneys for expenses of agencies, including pay of agents employed, blacksmiths, farmers, and others, to be remitted quarterly; and no second quarter's payment to be turned over to agents by superintendents until an account of each preceding quarter's disbursements is rendered; or

4th. The agents shall give certificates to the persons employed or appointed by them, respectively, of the sums that may be due at the end of each quarter, which will pass as cash, and obviate any inconvenience that might result from the third provision. This arrangement to be adopted or not, as the superintendent and agent may agree. Payments not to be made by agents when they grant certificates. These evidences of debt to be lifted by the superintendent, who will make no payments of the character contemplated without them.

5th. With the preceding qualifications, the moneys due for annuities by treaty stipulations and for expenses to be turned over to the several agents and sub-agents by the superintendents.

6th. Each agent and sub-agent shall transmit, on the first day of every month, direct to the office of Indian Affairs, one abstract of the receipts and expenditures of the previous month, prepared as the quarterly abstracts are, except that they will be unaccompanied by vouchers, including goods, provisions, stock, implements of husbandry, and every species of property confided to his care, and another to his superintendent. And each agent and sub-agent shall, within five days after the expiration of every quarter, make out and certify his accounts for that quarter, and by the first mail thereafter (or by the first opportunity where there is no mail) transmit the same to his proper superintendent, sending by the mail, where there is one, a certificate of the postmaster to said office that he has made said transmission.

The superintendents shall, severally, within five days after the receipt of the quarterly accounts, transmit the same by mail to the Commissioner of Indian Affairs, with a certificate of the postmaster as above. Upon a failure to comply with the foregoing, or the non-arrival of the accounts in due course at this department, one request for explanation shall be made of the agent, sub-agent, or superintendent, as the case may be, and if it is not satisfactory, such omission or neglect shall be regarded as just cause of removal.

7th. The superintendent at St. Louis, and the acting superintendents of the Western Territory and of Michigan, shall each give bond, with two sureties, in the sum of twenty thousand dollars; the different agents

and sub-agents who disburse upwards of fifty thousand dollars shall give the like security; those whose disbursements are under fifty and over twenty thousand dollars shall enter into bond, as above, in a sum not exceeding ten thousand dollars; and those whose disbursements will be under twenty thousand dollars, in bond not exceeding five thousand dollars; conditioned, severally, for the faithful discharge of their respective duties, and the rendering of just accounts, as hereinbefore provided, of the receipt and expenditures of all moneys and property of every description intrusted to them, and the paying over of balances and delivery of property that may be at any time in their hands, on the requisition of the department.

8th. The emigration of Indians to be conducted, as heretofore, under special superintendents and agents, with the modification made necessary by the law of July 5, 1838.

9th. The regulations heretofore prescribed continue in force, except where changed hereby. The different superintendents and agents will have reference to so much of the 13th section of the law of the 30th of June, 1834, as requires their accounts for the year to be on file by the first of October.

10th. The form of the voucher will be varied according to the change of circumstances. The agent will take the receipt of the individual to whom he makes payment, and below it will add, "I certify, on honor, that the above account is correct and just, and that I have actually, this —— day of ——, paid the amount thereof." General accounts of moneys or property will be certified as heretofore directed by regulations.

11th. Receipts for annuities will be taken in duplicate, and certified by the agent and interpreter, and by a military officer, where one is present under the next regulation, and, when there is none, by at least one respectable citizen.

12th. When an annuity is about to be paid, the Secretary of War will order a military officer, where one can be had for the purpose, to attend at the point of payment, carrying with him a small number of soldiers—say fifteen or twenty—to preserve order, exclude the sale and prevent the use of ardent spirits, to protect the Indians from losing the benefits intended them by the government, either by their own improvidence or the acts of others, and, generally, to enforce the intercourse laws.

13th. Where there are independent agencies—as for the Wyandots, Munsees, and Delawares in Ohio, the Miamies and Eel Rivers in Indiana, and the Six Nations in New York—the agents will be furnished with funds, and transmit their monthly abstracts, quarterly accounts, and certificates of postmasters, according to the restrictions as to time, &c., in the 6th of these regulations, direct to the office of the Commissioner of Indian Affairs.

J. R. POINSETT.

WAR DEPARTMENT, *March 23, 1839.*

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*Circular to the disbursing officers and agents in the service of the Indian department.*

WAR DEPARTMENT,  
*Office Indian Affairs, August 20, 1846.*

SIR: The annexed 20th and 21st sections of the act of the 6th instant for the "better organization of the treasury," &c., are herewith transmitted for your information and strict observance.

Very respectfully, your obedient servant.



SEC. 20. *And be it further enacted*, That no exchange of funds shall be made by any disbursing officers or agents of the government, of any grade or denomination whatsoever, or connected with any branch of the public service, other than an exchange for gold and silver; and every such disbursing officer, when the means for his disbursement are furnished to him in gold and silver, shall make his payments in the money so furnished, or when those means are furnished to him in drafts, shall cause those drafts to be presented at their place of payment, and properly paid according to the law, and shall make his payments in the money so received for the drafts furnished, unless, in either case, he can exchange the means in his hands for gold and silver at par. And it shall be, and is hereby made, the duty of the head of the proper department immediately to suspend from duty any disbursing officer who shall violate the provisions of this section, and forthwith to report the name of the officer or agent to the President, with the fact of the violation, and all the circumstances accompanying the same and within the knowledge of the said Secretary, to the end that such officer or agent may be promptly removed from office or restored to his trust and the performance of his duties, as to the President may seem just and proper: *Provided, however*, That those disbursing officers having at present credits in the banks shall, until the first day of January next, be allowed to check on the same, allowing the public creditors to receive their pay from the banks either in specie or bank notes.

SEC. 20. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to issue and publish regulations to enforce the speedy presentation of all government drafts, for payment, at the place where payable, and to prescribe the time, according to the different distances of the depositaries from the seat of government, within which all drafts upon them, respectively, shall be presented for payment, and, in default of such presentation, to direct any other mode and place of payment which he may deem proper; but in all these regulations and directions it shall be the duty of the Secretary of the Treasury to guard, as far as may be, against those drafts being used or thrown into circulation as a paper currency or medium of exchange. And no officer of the United States shall, either directly or indirectly, sell or dispose to any person or persons, or corporations, whatsoever, for a premium, any treasury note, draft, warrant, or other public security, not his private property, or sell or dispose of the avails or proceeds of such note, draft, warrant, or security, in his hands for disbursement, without making return of such premium, and accounting therefor by charging the same in his accounts to the credit of the United States; and any officer violating this section shall be forthwith dismissed from office.

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WAR DEPARTMENT, *October 1, 1846.*

SIR: The practice which has heretofore prevailed, to a considerable extent, of paying moneys due to Indians on powers of attorney given by them, is wholly inconsistent with the duty of government to pay over to them, promptly and without abatement, whatever may be due to them under any treaty or law, or for any claim whatever to which they may be justly entitled. Agents are appointed and paid by the government to attend to their business for them, and they should be the medium of all their communications with the government, whether in relation to any claims they may have, or to their wants or wishes upon any other subject.



Considering how easily Indians are imposed upon, to permit them to dispose of their claims, as is frequently done, for a very inadequate consideration, or to employ persons to collect them, to whom they give powers of attorney, and who thereupon draw the money and keep whatever amount of it they may see proper as their compensation, is to neglect the duty of the government towards them, and to allow them to do wrong and injustice to themselves. The practice referred to should therefore be discountenanced, and you will instruct all the superintendents, agents, and sub-agents of the Indian department that it will be, and direct them to give the Indians under their charge clearly to understand that hereafter all their claims, wants, or wishes, should be communicated to the department through them, when they will be promptly attended to, and full justice done them.

Should any Indian or Indians, however, notwithstanding the above determination, persist in giving powers of attorney, no part of the sum which may be recovered thereupon will be paid to the persons holding them, except such an amount as, under the circumstances of the case, may appear to the department to be a fair and just compensation for their trouble and expense. The remainder will, in all cases, be remitted to the agent or sub-agent for payment to the Indian claimant in person.

Very respectfully, your obedient servant,

W. L. MARCY,  
*Secretary of War.*

WM. MEDILL, Esq.,  
*Commissioner of Indian Affairs.*

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*Circular.*

WAR DEPARTMENT,  
*Office Indian Affairs, October 2, 1846.*

The attention of all agents of the Indian department, whose duty it is, or may become, to receive and disburse public money, is particularly called to the second and third sections of the "Act concerning the disbursement of public money," of January 31, 1823, which are as follows :

"SEC. 2. *And be it further enacted,* That every officer or agent of the United States who shall receive public money which he is not authorized to retain, as salary, pay, or emoluments, shall render his accounts quarter-yearly to the proper accounting officers of the treasury, with the vouchers necessary to the correct and prompt settlement thereof, within three months, at least, after the expiration of each successive quarter, if resident within the United States, and within six months if resident in a foreign country: *Provided,* That nothing herein contained shall be construed to restrain the Secretaries of any of the departments from requiring such returns from any officer or agent, subject to the control of such Secretaries, as the public interest may require.

"SEC. 3. *And be it further enacted,* That every officer or agent of the United States, who shall offend against the provisions of the preceding sections, shall, by the officer charged with the direction of the department to which such offending officer is responsible, be promptly reported to the President of the United States, and dismissed from the public service: *Provided,* That in all cases where any officer in default as aforesaid shall account to the satisfaction of the President for such default, he may be continued in office, anything in the foregoing provision to the contrary notwithstanding."

All disbursing officers of the department are hereby enjoined and required to conform strictly to the requirements of the above law, in regard to the rendering of their accounts. Where circumstances may exist which prevent their doing so, they will forward in season to reach the department within the prescribed time a statement, on honor, containing a full explanation of the cause or causes of the delay, in order that the President may judge whether they can properly be exempted from the penalty of the law.

W. MEDILL, *Commissioner.*

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*Circular.*

DEPARTMENT OF WAR,  
*Office Indian Affairs, April 9, 1847.*

*To the superintendents, agents, and sub-agents of the Indian department :*

This office perceives, with regret, that many of its officers, charged with the disbursement of public moneys, still continue the practice of using funds remitted for one purpose or object for another or others. It must be discontinued, as it produces not only confusion in the settlement of accounts, but greatly augments the labor of the accounting officers. Hereafter, if there are demands to be met for which there are no funds applicable in the hands of the officer, he will suspend the same, and report the fact, accompanied by an estimate, specifically setting forth the nature of the demand, to this office, when, if approved, the requisite funds will be remitted.

W. MEDILL,  
*Commissioner of Indian Affairs.*

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WAR DEPARTMENT, *Office of Indian Affairs.*

SIR: The annexed regulations of the War Department, with the sub-joined extracts from laws passed by Congress for the suppression and prevention of the introduction of and traffic in intoxicating liquors in the Indian country, are transmitted for your information and government. You will promptly and rigorously enforce their provisions without respect to persons.

Very respectfully, your obedient servant.

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*Regulations.*

The attention of all the officers and agents of the government in the Indian country, and of all persons residing or entering therein under license or permission, is called to the 20th and 21st sections of the act of June 30, 1834, and to the 2d section of an act approved the 3d of March ultimo, the great object of which is to save our Indian population from the ruinous effects of the use of intoxicating liquors.

These laws impose upon commanding officers of military posts and superintendents of Indian affairs, agents, and sub-agents the following duties:

1st. To cause promptly to be prosecuted any and all persons guilty of giving or in any way disposing of spirituous liquor or wine to an Indian



in the Indian country, or of introducing or attempting to introduce the same therein; such persons in the one case being liable to a fine of five hundred dollars and imprisonment for two years, and in the other to a fine of three hundred dollars and imprisonment for one year.

2d. To search for any spirituous liquor or wine which there is reason to believe has been or is about being introduced into the Indian country, which is not intended as a part of the military supplies authorized by this department, and, if found, to destroy it, and to seize upon the property of the person guilty of the offense, with which the same may be found, and deliver it over to the proper officer, to be proceeded against by libel in the proper court, such property being liable to forfeiture, one-half to the use of the informer, and the other to that of the United States. It is also the duty of any person in any way in the employment of the government—and the same may be done by any Indian—to destroy any spirituous liquor or wine found in the Indian country.

3d. If the person guilty of introducing or attempting to introduce spirituous liquor or wine into the Indian country be a trader, it is the duty of the proper superintendent, agent, or sub-agent immediately to revoke his license and to put his bond in suit.

4th. To destroy any distillery in the Indian country for the manufacture of ardent spirits, and to cause to be promptly prosecuted any person or persons who may erect or carry on such distillery, in order to recover the fine of one thousand dollars prescribed for such offense.

It is also provided that in all prosecutions for the offenses mentioned in the first of the foregoing heads Indians shall be competent witnesses.

All military officers in the Indian country, and the superintendents, agents, and sub-agents of the Indian department, are required and enjoined to be vigilant and active in the execution of the duties imposed upon them by these laws, which are appended hereto for their more particular information as to the nature and extent of their respective duties; and it is expected that all other persons in the employment of the government, or who are licensed or permitted to be in the Indian country, will on every occasion aid those officers and agents in the most effectual manner in their power.

Any omission on the part of the officers of, and persons employed in, the Indian department particularly, or on the part of those licensed or permitted to be in the Indian country, to do all that can justly and fairly be done to put an end to the infamous traffic with the Indians in or through intoxicating liquors, will be regarded as good cause for the removal in the one case, or in the other for the revocation of their licenses or permits.

Now that Indians are made competent witnesses in our courts, for the purpose of further enabling the government to destroy an evil which has been so destructive of their best interest and happiness, it is expected that the chiefs and others who desire the welfare and prosperity of the people will co-operate with the agents of the government in arresting this great source of mischief to the Indian race. Those who fail to do so by every proper means in their power cannot be regarded as desiring or caring for either.

By the third section of the act of the 3d ultimo it is provided that "No annuities, or moneys, or goods shall be paid or distributed to the Indians while they are under the influence of any description of intoxicating liquor, nor where there are good and sufficient reasons for the officers or agents whose duty it may be to make such payments or distribution for believing that there is any species of intoxicating liquor within convenient reach of the Indians, nor until the chiefs and headmen



of the tribe shall have pledged themselves to use all their influence and to make all proper exertions to prevent the introduction and sale of such liquor in their country."

W. L. MARCY.

WAR DEPARTMENT, *April 13, 1847.*

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AN ACT to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved June 30, 1834.

SEC. 20. *And be it further enacted,* That if any person shall sell, exchange, or give, barter, or dispose of, any spirituous liquor or wine to an Indian, (in the Indian country,) such person shall forfeit and pay the sum of five hundred dollars; and if any person shall introduce, or attempt to introduce, any spirituous liquor or wine into the Indian country, except such supplies as shall be necessary for the officers of the United States and troops of the service, under the direction of the War Department, such person shall forfeit and pay a sum not exceeding three hundred dollars; and if any superintendent of Indian affairs, Indian agent, or sub-agent, or commanding officer of a military post, has reason to suspect, or is informed, that any white person or Indian is about to introduce, or has introduced, any spirituous liquor or wine into the Indian country, in violation of the provisions of this section, it shall be lawful for such superintendent, Indian agent, or sub-agent, or military officer, agreeably to such regulations as may be established by the President of the United States, to cause the boats, stores, packages, and places of deposit of such person to be searched, and if any such spirituous liquor or wine is found, the goods, boats, packages, and peltries of such person shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the use of the informer, and the other half to the use of the United States; and if such person is a trader, his license shall be revoked and his bond put in suit. And it shall, moreover, be lawful for any person in the service of the United States, or for any Indian, to take and destroy any ardent spirits or wine found in the Indian country, excepting military supplies, as mentioned in this section.

SEC. 21. *And be it further enacted,* That if any person whatever shall, within the limits of the Indian country, set up or continue any distillery for manufacturing ardent spirits, he shall forfeit and pay a penalty of one thousand dollars; and it shall be the duty of the superintendent of Indian affairs, Indian agent, or sub-agent, within the limits of whose agency the same shall be set up or continued, forthwith to destroy and break up the same, and it shall be lawful to employ the military force of the United States in executing that duty.

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AN ACT to amend an act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontier," approved June 13, 1834.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the twentieth section of the "Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June thirtieth, eighteen hundred and thirty-four, be, and the same is hereby, amended, so as to read as follows, to wit:

“SEC. 20. *And be it further enacted.* That if any person shall sell, exchange, give, barter, or dispose of any spirituous liquor or wine to any Indian under the charge of any Indian superintendent or Indian agent appointed by the United States, or shall introduce, or attempt to introduce any spirituous liquor or wine into the Indian country, such person, on conviction thereof before the proper district court of the United States, shall be imprisoned for a period not exceeding two years, and shall be fined not more than three hundred dollars: *Provided, however,* That it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country if it be proved to be done by order of the War Department, or of any officer duly authorized thereto by the War Department. And if any superintendent of Indian affairs, Indian agent, or sub-agent, or commanding officer of a military post, has reason to suspect, or is informed that any white person or Indian is about to introduce, or has introduced, any spirituous liquor or wine into the Indian country, in violation of the provisions of this section, it shall be lawful for such superintendent, agent, sub-agent, or commanding officer, to cause the boats, stores, packages, wagons, sleds, and places of deposit of such person to be searched; and if any such liquor is found therein, the same, together with the boats, teams, wagons, and sleds, used in conveying the same, and also the goods, packages, and peltries of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited—one-half to the informer, and the other half to the use of the United States; and, if such person be a trader, his license shall be revoked and his bond put in suit. And it shall moreover be lawful for any person in the service of the United States, or for any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department, and, in all cases arising under this act, Indians shall be competent witnesses.”

Approved February 13, 1862.

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AN ACT to amend an act entitled “An act to provide for the better organization of the Department of Indian Affairs,” and an act entitled “An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers,” approved March 3, 1847

SEC. 2. *And be it further enacted,* That the 20th section of the “Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers,” approved June thirtieth, eighteen hundred and thirty-four, be, and the same is hereby so amended, that, in addition to the fines thereby imposed, any person who shall sell, exchange, or barter, give, or dispose of any spirituous liquor or wine to an Indian, in the Indian country, or who shall introduce, or attempt to introduce, any spirituous liquor or wine into the Indian country, except such supplies as may be necessary for the officers of the United States and the troops of the service, under the direction of the War Department, such person, on conviction thereof before the proper district court of the United States, shall, in the former case, be subject to imprisonment for a period not exceeding two years, and in the latter case not exceeding one year, as shall be prescribed by the court, according to the extent and criminality of the offense. And in all prosecutions arising under this section, and under the twentieth section of the act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved June thirtieth, eighteen hundred and thirty-four, to which this is an amendment, Indians shall be competent witnesses.



*Regulations concerning the granting of licenses to trade with the Indians.*

1st. License to trade with the Indians will be granted only to citizens of the United States, of unexceptionable character, and who are fit persons to be in the Indian country. They will not be granted to any person who may previously have had a license, which was revoked, or the forfeiture of whose bond was decreed, in consequence of the violation of any of the laws or regulations, or of being an improper person to be in the Indian country.

2d. Licenses will not permit the introduction or sale in the Indian country of any description of any intoxicating liquor, any uniform clothing other than that of the United States, nor any medals, flags, arm bands, or other ornaments of dress bearing the figures, emblems, or devices of any foreign power; nor will they authorize any trade with a tribe or tribes with which intercourse may have been prohibited by the President of the United States.

3d. All applications for licenses must be made in writing to the proper agent or sub-agent; or, in case of their absence or inability to act, to the superintendent of the district in which the tribe or tribes may be located with which the license to trade is desired.

4th. The application must set forth the name and residence of the person or persons desiring the license; and if a firm, the style and designation thereof; the place or places where it is proposed to carry on the trade; the amount of capital to be employed at each place, and the names and capacities of the agents, clerks, and other persons it is proposed to employ therein, or in connection therewith. If such person be not known to the officer to whom the application is made, satisfactory testimonials of unexceptionable character and fitness to be in the Indian country must accompany the application.

5th. If, after the license shall have been granted, it is desired to employ other persons than those named therein, either to fill vacancies or otherwise, their names, the capacity in which it is proposed to employ them, and, if not known, satisfactory testimonials, as required in the preceding paragraph, must first be furnished to the agent, sub-agent, or superintendent, as the case may be, and his permission in writing obtained therefor. On such permission being given, the fact will immediately be reported to the department, with the names and capacities of all such persons and the names and capacities of those in whose places any of them are to be employed. A separate list of persons other than citizens of the United States, permitted by law to be employed by traders in the Indian country, such as "foreign boatmen, and interpreters," will be transmitted annually on the 30th of September for the previous year to the Commissioner of Indian Affairs.

6th. All licenses will be in the form hereto annexed, and will embrace the same particulars required by the first sentence of paragraph four to be stated in the application. No trade will be permitted with any other tribe or tribes, or at any other place or places, than those specified in the license.

7th. When the agent, sub-agent, or superintendent shall have determined to grant a license, the same, duly executed, will, before being delivered, be transmitted to the Commissioner of Indian Affairs, "for his approval or disapproval," as required by the second section of the act of June 30, 1834, "to regulate trade and intercourse with the Indian tribes," &c., and will be accompanied by the application and the testimonials in favor of the persons to be employed. In case any of those persons are so favorably known to the agent, sub-agent, or superintendent



ent, that he does not consider testimonials in their favor necessary, they may be dispensed with by his indorsing on the application accordingly, prior to its transmission with the license.

8th. The bond required by law to be given by the person or persons to whom a license may be granted, that they "will faithfully observe all the laws and regulations made for the government of trade and intercourse with the Indian tribes, and in no respect violate the same," will be according to the annexed form. Duly executed and approved by the person issuing the license, who will also certify to the sufficiency of the sureties, it will be transmitted, with the license and other papers, to the Commissioner of Indian Affairs. (See act approved June 30, 1867.)

9th. No license will be granted for a longer period than one year; but at the end of that time, if the agent, sub-agent, or superintendent be satisfied that the trade has been conducted properly, and that the laws and regulations of the department and the terms of the license were duly observed, new licenses may be granted without the formality required by the fourth paragraph of these regulations, a new bond being given and transmitted to the Commissioner of Indian Affairs, as provided for in paragraph eight.

10th. The principals of all trading establishments will be held responsible for the conduct and acts of the persons in their employ in the Indian country; and an infraction of any of the terms or conditions of a license, or any of the laws or regulations by such persons, will be considered good and sufficient cause for revoking the license in the same manner as if committed by the principals themselves.

11th. Before new or additional goods are carried into the Indian country for the purpose of trade, notice thereof shall be given to the proper agent or sub-agent, and a copy of the invoices thereof, together with a list of the old goods on hand at the time and their value, shall be furnished the said agent or sub-agent, under oath, or otherwise satisfactorily verified, so that the department may, at different periods, be advised of the quantity and description of goods on hand at any trading establishment.

12th. Any license may be revoked by the proper superintendent whenever, in his opinion, the person or persons licensed, or any of those in his or their employ, "shall have transgressed any of the laws or regulations made for the government of trade and intercourse with the Indian tribes, or that it would be improper to permit them to remain in the Indian country." Any infraction of the laws or regulations, or of any of the terms and conditions of a license, with all the circumstances connected therewith, and all improper conduct on the part of traders, or any person in their employ in the Indian country, will be reported without delay to the superintendent of the district within which the same shall have occurred, in order that he may take into consideration the propriety of revoking the license. All cases of licenses refused or revoked, with all the facts and circumstances, will be promptly reported to the department, a right of appeal to which, in such cases, is reserved to those feeling themselves aggrieved.

W. L. MARCY,  
*Secretary of War.*

WAR DEPARTMENT, *November 9, 1847.*

*Form of License.*

BE IT KNOWN, That (*name or names in full, and place of residence of each; and if a firm, add—partners, trading under the name and firm of —, giving the style or designation of the firm,*) having filed his (*their*) application before me for a license to trade with the (*name of the tribe*) tribe of Indians at the following named place (*places*) within the boundaries of the countries occupied by the said tribe, viz: (*name, if any, and specific locality of place or places,*) and having executed and filed with me a bond in the penal sum of (*amount of bond*) dollars, with (*name and sureties*) as sureties, conditioned, as required by law, for the faithful observance of all the laws and regulations provided for the government of trade and intercourse with the Indian tribes, and reposing special trust and confidence in the patriotism, humanity, and correct business habits of the said applicant, (*applicants,*) and being satisfied that he (*they*) is a citizen (*are citizens*) of the United States as required by law, he is (*they are*) hereby authorized to carry on the business of trading with the said (*name of tribe*) tribe of Indians, at the above-named place, (*any one or all of the above-named places,*) for the term of one year from the date hereof, and to keep in his (*their*) employ thereat the following named persons, or any of them, in the capacities affixed to their names, respectively, viz: (*names and capacities of employés,*) all of which persons I am satisfied, from my own knowledge, or from the testimonials which have been placed in my hands, sustain a fair character, and are fit to be in the Indian country.

Given under my hand and seal, this — day of —, eighteen hundred and —.

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*Form of affidavit to be attached to licenses by the person granting the same.*

I, (*name of Agent,*) United States Indian agent for the (*name of tribe*) Indians, do solemnly swear (*or affirm, or, where there are no magistrates accessible, certify on honor*) that the license hereto annexed and granted by me has been granted without any agreement or understanding with the party so licensed, or any other person or persons on the behalf of the party so licensed, for any benefit or advantage to myself, directly or indirectly, present or future, or to any person or persons on my behalf, in any manner whatever; and that no arrangement for such benefit to myself, or other person on my behalf, is in contemplation in case said license shall be approved.

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*Section 4 of an act making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending thirtieth June, eighteen hundred and sixty-seven, and for other purposes.*

SEC. 4. *And be it further enacted,* That any loyal person, a citizen of the United States, of good moral character, shall be permitted to trade with any Indian tribe upon giving bond to the United States in the penal sum of not less than five nor more than ten thousand dollars, with



at least two good securities, to be approved by the superintendent of the district within which such person proposes to trade, or by the United States district judge or district attorney for the district in which the obligor resides, renewable each year, conditioned that such person will faithfully observe all the laws and regulations made for the government of trade and intercourse with Indian tribes, and in no respect violate the same : *Provided*, That the laws now in force regulating trade and intercourse with Indian tribes, affecting licensed traders, and prescribing the powers and duties of the Commissioner of Indian Affairs, superintendents, agents, and sub-agents in connection therewith, shall be continued in force and apply to traders under this provision, except as herein otherwise provided.

Approved July 26, 1866.

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*Form of bond.*

Know all men by these presents, that we (*name in full of the person or persons licensed, and of their sureties, together with the place or places of residence of each, as in the license*) are held and firmly bound unto the United States of America in the sum of ——— dollars, lawful money of the United States; for the payment of which well and truly to be made, we bind ourselves, and each of us, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this ——— day of ———, one thousand eight hundred and ———.

The condition of the above obligation is such, that whereas (*name and title of agent, sub-agent, superintendent, or acting superintendent*) hath granted to the said (*name of person or persons licensed, as above*) a license dated (*date of license*) to trade for one year with the (*name of tribe*) tribe of Indians, at the following described place (*places*) within the boundaries of the country occupied by the said tribe, viz : (*name, if any, and designation of locality of the place or places:*)

Now, if the said (*name of the person or persons licensed*) so licensed shall faithfully conform to and observe all the laws and regulations made, or which shall be made, “for the government of trade and intercourse with the Indian tribes, and in no respect violate the same,” and shall trade at the aforesaid place (*places*) and no other, and shall, in all respects, act conformably with the license granted to him (*them,*) then this obligation to be void, else to remain in full force and virtue.

Signed and sealed in presence of—

\_\_\_\_\_. \_\_\_\_\_. [SEAL.]  
 \_\_\_\_\_. \_\_\_\_\_. [SEAL.]  
 \_\_\_\_\_. \_\_\_\_\_. [SEAL.]

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AN ACT to amend an act entitled “An act to provide for the better organization of the Department of Indian Affairs,” and an act entitled “An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers,” approved March 3, 1847.

“SEC. 3. *And be it further enacted*, That the eleventh section of the ‘Act to provide for the better organization of the Department of Indian Affairs,’ approved June thirtieth, eighteen hundred and thirty-four, be and the same is hereby so amended as to provide that all annuities or



other moneys, and all goods, stipulated by treaty to be paid or furnished to any Indian tribe, shall, at the discretion of the President or Secretary of War, instead of being paid over to the chiefs, or to such persons as they shall designate, be divided and paid over to the heads of families and other individuals entitled to participate therein, or with the consent of the tribe be applied to such purposes as will best promote the happiness and prosperity of the members thereof, under such regulations as shall be prescribed by the Secretary of War, not inconsistent with existing treaty stipulations. And no such annuities, or moneys, or goods, shall be paid or distributed to the Indians while they are under the influence of any description of intoxicating liquor, nor while there are good and sufficient reasons for the officers or agents, whose duty it may be to make such payments or distribution, for believing that there is any species of intoxicating liquor within convenient reach of the Indians, nor until the chiefs and headmen of the tribe shall have pledged themselves to use all their influence and to make all proper exertions to prevent the introduction and sale of such liquor in their country; and all executory contracts made and entered into by any Indian for the payment of money or goods shall be deemed and held to be null and void, and of no binding effect whatsoever."

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*Instructions to the officers of the Indian department under the foregoing law.*

WAR DEPARTMENT,  
Office Indian Affairs, August 30, 1847.

SIR : In placing in your hands, for distribution to the several agents for payment to the different tribes of Indians of your superintendency, the annuities due to them for the present year, it becomes necessary to call your attention and that of the agents to the third section of an act of Congress approved the 3d of March last, which provides " that all annuities or other moneys, and all goods stipulated by treaty to be paid or furnished to any Indian tribe, shall, at the discretion of the President or Secretary of War, instead of being paid over to the chiefs or such persons as they shall designate, be divided and paid over to heads of families and other individuals entitled to participate therein; or, with the consent of the tribe, be applied to such purposes as will best promote the happiness and prosperity of the members thereof, under such regulations as shall be prescribed by the Secretary of War, not inconsistent with existing treaty stipulation. And no such annuities, or moneys, or goods, shall be paid or distributed to the Indians while they are under the influence of any description of intoxicating liquor, nor while there are good and sufficient reasons for the officers and agents, whose duty it may be to make such payments or distribution, for believing that there is any species of intoxicating liquor within convenient reach of the Indians; nor until the chiefs and headmen of the tribe shall have pledged themselves to use all their influence, and to make all proper exertions to prevent the introduction and sale of such liquor in their country; and all executory contracts made and entered into by any Indian for the payment of money or goods shall be deemed to be null and void and of no binding effect whatsoever. These provisions are wise and beneficent, and if properly carried out, according to their spirit and

intent, must be productive of the greatest good to those of our Indian tribes to whom annuities are payable. It is probably one of the most salutary laws affecting our Indian relations that has ever been passed. Annuities, especially when large, instead of being the source of benefit and the means of moral and social improvement of the Indians, have but too generally been productive of much evil among them. Instead of being used to procure the necessities and comforts of life, and to multiply the means and facilities of obtaining a certain and comfortable subsistence, they have too often proved only the fruitful source of bad habits, profligacy, and vice, contributing to the Indian's love of indolence and natural disinclination to anything like continuous and profitable labor.

Under the law, as it heretofore stood, the annuities were payable to the chiefs only, or to such persons as they might designate. When so paid, it was too often the case that the upright and well disposed reaped little or no benefit from them whatever, the idle and profligate recklessly incurring large debts on the faith of them, which, through improper influences, the chiefs would be induced to recognize and sanction as national and binding on the whole tribe, and ordered to be paid out of their annuities, thus robbing the better class to make good the improvidence of the worse, and producing an oppressive inequality among the individuals of the tribes, discouragement to those who would have made a beneficial use of their just share, and general discontent and dissatisfaction. When the money is paid to the chiefs, and the national credit is based upon their authority, the benefits of the funds of the nation too often inure principally to themselves and their special retainers and friends, and the mass of the tribe get little or nothing, and what they do get is at a sacrifice of a proper personal independence. The power of the chiefs to make such divisions of the funds as they choose enable them to control the sentiment and to overawe the individuals of the tribe generally; thus converting what was intended to be a national blessing into a national curse. But when each individual goes to the pay table and gets his due proportion, it produces a just idea of individual right and each knows exactly what he has to rely upon, and that beyond it the support and maintenance of himself depend upon his own exertions.

The operation of the system of making the payments to the chiefs was also liable to be, and in some cases was, attended with pernicious effects in regard to them. It left the way open, if it did not offer inducements, to their being bribed to allow unjust and unfounded claims against the tribe; and through the influence and exertions of persons preferring such claims, led to their being depressed or elevated in standing and influence with their tribe, according to their dispositions to oppose such demands, or their willingness to allow them; thus giving rise to dissensions and heart burnings fatal to peace and harmony among themselves and the tribe.

The full power given to the department by the law will enable it to check, to a great extent, if not entirely to cure these evils, wherever they exist. Individual payments will put a stop especially to the reckless running into debt to which many of the Indians have become so prone, and the encouragement held out for them to do so in the expectation that the chiefs can be prevailed on to order payment out of the general annuities.

The power conferred by the law to withhold the annuities when the Indians are under the influence of intoxicating drink, or while there is any liquor within their convenient reach, or when they do not manifest



a proper disposition to co-operate with the authorities of the government in their efforts to put a stop to the use of ardent spirits and the nefarious traffic in them in the Indian country, may be made the effective means, to a great extent, of rooting out this great and prevalent evil. The attention of the agents and sub-agents will be called particularly to this subject, and they are required to use the power thus given by the law in the most effectual manner for the accomplishment of this great object.

Since the passage of the law, letters have been received by the President and this department from some of the traders and alleged creditors of the Indians against *per capita* payments, which they represent as an innovation upon past usages, and a consequent invasion of their vested rights. But, notwithstanding the law heretofore required the annuities to be paid to the chiefs, or to such persons only as they might designate, they have in nearly all cases, for several years past been induced by their own people to consent to *per capita* payments to the individuals of the tribe, which has accordingly been done, as is shown by the returns in the office of the Second Auditor. The law of the 3d of March is, therefore, no departure from the custom which has prevailed for some years, nor is it any violation of the rights of those who may have claims against the Indians. The money will be paid over to the families and individuals of the different tribes, and they will be free to apply it towards the discharge of their just and acknowledged liabilities.

As the responsible guardian of the interest and welfare of the Indians, and in pursuance of the discretionary power vested in him by law, the President therefore directs that hereafter all annuities, and other moneys and goods due to the Indians be paid and distributed to heads of families, and to individuals without families entitled to participate therein, unless a different mode of payment or distribution is expressly required by treaty stipulation; in which case, the views of the tribe in general council will be taken; and if the mode prescribed by treaty be insisted on, after a full explanation and due consideration it will be adopted.

It is alleged by the writers of the letters referred to that the provision of the law declaring null and void executory contracts with the Indians, if applied to past transactions, will be *ex post facto*. As no such question, however, is raised by enjoining *per capita* payments, which, as stated, is only in accordance with the course pursued in your superintendency for several years past, it is unnecessary to inquire how far the Indians are capable of making contracts with individuals of a legal and binding nature, being considered in the light of wards under the guardianship of the government. It is certain that no such contracts are provided for, either by law or regulations; are, therefore, without legal authority; and that they could not be enforced against the Indians, as there are no civil courts or remedies in the Indian country. Before they could be entitled to any consideration from the department, on moral or equitable principles, they should be shown to have been made under justifiable circumstances, and for a fair and just consideration. Contracts, or other obligations for the payment of money, are said to exist between traders and alleged creditors and the Pottawatomies, and one or two other tribes, which would be carried out, if the government would pay the money to the chiefs. But as the law was passed to cure the evils which have resulted from this mode of payment, the President would not be justified in permitting this to be done, unless fully satisfied that the contracts were made under such circumstances and for such consideration as entitled them to be respected, and as would justify a departure from the policy of the law. This could only be ascertained by the claims on account of which



such contracts or obligations were granted being submitted to this department, with all the facts and circumstances, for investigation and for the consideration of the President.

There is no disposition on the part of the government to interfere with or to throw any obstacle in the way of the payment by the Indians of their just debts, either individual or national. The payment of their annuities to them individually will enable them to discharge those of the former class; and on its being ascertained, by a full and fair investigation by the department, that if any of the tribes owe any which should justly be considered of the latter class, and which were justified by the circumstances and objects under and for which they were created, no objection will be made to the Indians setting apart such portions of their annuities for their payment as can, properly and consistently with their individual wants and necessities, be spared for that purpose. But all such claims must be presented prior to the first of April next, in order that they may be investigated, and such arrangements made in regard to their payment as may appear to be requisite and proper, prior to the annuity payments next year; and you will please cause all claimants to be notified accordingly. It is a leading object of the department to have all old transactions with the Indians finally arranged and closed, and that hereafter all intercourse and trade with them may be regulated and conducted according to simple and well-defined principles, by which all parties may clearly understand their relative positions, duties, and rights. It must be distinctly understood, however, that hereafter no national debts will be paid or in any manner recognized by the government, unless justified by paramount necessity, and the facts and circumstances rendering their creation necessary be first communicated to the department, and its assent obtained before any liability whatever is incurred.

It is not intended, by the directions herein contained, to debar the Indians from setting apart such portions of their annuities as they may see proper for purely charitable purposes, or for such national objects as may be calculated to improve their condition and to advance their general welfare—such as schools, and the encouragement of agriculture and the mechanic arts, &c. On the contrary, they should be encouraged and stimulated to make such a disposition of a portion of the ample income which they, in most cases, enjoy; as money so applied will result in national and individual benefit, and lessen the means of evil-disposed individuals to indulge in vicious propensities, and render it necessary for all to adopt more industrious habits in order to obtain the necessaries and comforts of life.

Nor are these directions intended to apply to the \$50,000 payable to the Pottawatomies under the fifth article of the treaty of June, 1846, which is set apart for certain specific purposes. It is represented that, at the making of the treaty, there was an understanding as to the manner in which this sum should be paid; and you are authorized to cause it to be paid accordingly.

The case of Joseph Robideaux, to which you have specially called the attention of the department, the President is willing to make an exception, in consideration of your having satisfied yourself last year, at the annuity payment of the Iowas and the Sacs and Foxes of the Missouri, that his trade with those Indians had for years been fair and liberal; that the Indians admitted, and you were convinced, that his claims were just; and that you consented to their giving their written obligations for paying him in three installments, one of which was paid last year, and promised your influence in having the other two paid this and the next year. Under these circumstances, which constitute Mr. Robideaux's

case a special one, you are authorized to permit this arrangement to be carried into effect, if still desired by the Indians.

Very respectfully, your obedient servant,

W. MEDILL.

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*Circular relative to annual reports of superintendents and agents in the service of the Indian Department.*

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, June —, 18—.*

SIR: The following general instructions are given for the guidance of the officers and employés of this bureau in regard to the matter of preparing and forwarding the usual annual reports upon the subject of the condition of Indian affairs within the bounds of the various superintendencies and agencies of the department:

1. Superintendents will direct the agents under their supervision to make their report embrace the condition of the service within their respective agencies for the period intervening between the date of the last annual report, whether made by themselves or predecessors, and the 1st of September proximo, (see, however, exception in paragraph hereof, No. 3,) which report, with the sub-reports of teachers and other employés, together with the required tables of population, school, agricultural, and other statistics, must be submitted to their superintendent as soon after the 1st of September as practicable.

2. Immediately after receiving said reports, sub-reports, and tables, the superintendent will examine the same, and thereupon prepare his own report, which, with those of the agents under his charge, he will, without delay, forward to this office, so that all the papers may be received by it at a date *not later than the 1st of October proximo*.

3. The superintendencies of Washington, Oregon, California, Nevada, Arizona, Montana, Idaho, and Utah, being more remote from the capital of the nation than the others, and the time of transmission of papers by mail to this city requiring a longer period, the superintendents and agents thereof should make up their reports *to such date, prior to the 1st of September*, as will allow time for the same to be received at this office *not later than the 1st October proximo*.

4. Should a superintendent find that an agent has forgotten or omitted to notice in his report matters of interest or importance that should be embraced therein, or should it be discovered that the statistical tables are incomplete in items that it is possible to obtain, he will forthwith call upon that agent for a report in regard to such matters, which, when received, must be forwarded at once to this office, if the annual report of the superintendent shall have gone forward.

5. The reports must be written legibly upon alternate pages of foolscap paper, and care taken to give the proper heading, showing where written and the date; also to write names of persons and places correctly and plainly.

6. Blank forms of statistical tables will be furnished, in connection with copies of this circular, to the superintendents for distribution to the agents under their charge; and they will also be furnished to the agents of the several independent and special agencies. It is expected that all will use their best endeavors to have the statistics as complete as possible in every item. Where positive data are not at hand in regard to any one item or more, an estimate therefor should be made upon the most



reliable information that can be obtained; and these statistical tables should be uniformly made down to the *1st of August*.

7. In case of any agent failing to report, or where, from cause, any agency shall not be represented by an agent, the superintendent will, in his own report, state the fact, and notice particularly the affairs of such agency according to the information he may have respecting them.

8. These instructions also apply to agents in charge of independent and special agencies, and will be strictly observed by them.

It is expected that the requirements contained in the foregoing instructions will be carefully and promptly complied with by each and every officer of the department; that they will take special interest in the matter, and by furnishing statements of such facts and circumstances of importance as shall have come under their observation with reference to the affairs of the tribes over whom they are placed, enable the office to present in its annual report as correct and comprehensive an exhibit of the condition of the Indian service for the past year as it is possible to make.

Very respectfully, your obedient servant,

\_\_\_\_\_,  
*Commissioner.*

To \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
*Circular.*

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, Washington, \_\_\_\_\_, 186-.*

SIR: You are requested to forward, as early as possible, statement of your employés for the \_\_\_\_\_ quarter of \_\_\_\_\_.

This statement must be made out as follows:

1. Give your own name and the names of each of your employés.
2. The capacity in which each serves.
3. From whence appointed.
4. Place where born.
5. Date of commencement of service.
6. Date of resignation or discharge.
7. The point at which employed.
8. The tribes for which employed.
9. The amount of annual compensation.
10. Your post office address.

You will continue to forward these statements promptly at the end of each quarter, and you will keep the department advised by letter, immediately upon its occurrence, of the termination of service of any of your employés, and of the appointment of a successor.

Reports upon this subject, and statements of employés, must be transmitted separate and apart from other official papers.

It has been found difficult heretofore to impress superintendents and agents with the importance of furnishing this information; and a failure hereafter to do so will be considered a neglect of duty of grave character.

Very respectfully, your obedient servant,

\_\_\_\_\_,  
*Commissioner.*

To \_\_\_\_\_.



*Special Circular.*

DEPARTMENT OF THE INTERIOR,  
Office Indian Affairs, ———, 18—.

SIR: Much delay and inconvenience has heretofore been imposed upon this office by the neglect of some of its agents to respond promptly to circulars and letters calling for estimates of annuity goods required for their respective tribes. Some of the superintendents and agents have been uniformly punctual in this regard, while others either send their estimates too late to be of service, or neglect to forward them at all.

The object of this circular is to inform all superintendents and agents of this department, whose duty it is to submit such estimates, that said estimates must be at this office not later than the 1st day of September in each year, and that any neglect of this duty will be made the subject of a special report to the Secretary of the Interior, with such recommendations as may be deemed advisable in regard to the delinquent superintendent or agent.

All estimates made by agents should be sent through their respective superintendents, accompanied with suggestions as to what point, and by what route, the goods should be shipped, and a duplicate thereof should be sent to this office direct.

The superintendent will, in all cases, indorse his approval or disapproval on the estimate, and transmit the same to this office without unnecessary delay.

Very respectfully, your obedient servant,

————, Commissioner.

*Circular.*

DEPARTMENT OF THE INTERIOR,  
Office Indian Affairs, November 5, 186 .

*To Superintendents and Agents:*

Many of the agents of this department, and several of the superintendents, not comprehending the rule of the treasury in the computation of the salaries of their subordinates, *when employed by the year at a certain salary per annum*, it has been thought necessary, in order to secure uniformity in the payments hereafter, to have printed the annexed table, which is a computation of salary at \$500 per annum in all its fractions.

In making payments, the superintendent or agent will consult the table, and easily arrive at the correct result by multiplying the per diem, whether the salary to be paid is \$500, \$1,000, \$1,500, or \$2,000, bearing in mind that all persons in the service at a stated salary per annum are paid *quarterly one-fourth of their salary*, whether the quarter contains 90, 91, or 92 days; therefore, when such employé serves the entire quarter, the rule is so plain that no difficulty is likely to occur; but when the services are for a *fraction of the quarter*, the disbursing officer must see in what *quarter they were performed*, and pay the per diem indicated by the table, noticing particularly that the per diem is not the same in each quarter, as is generally supposed.

(This table has no reference to employés by the month.)

WM. P. DOLE,  
Commissioner of Indian Affairs.

## Salaries—fractions of quarters—\$500 per year.

Days.	1st quarter, 90 days.	2d quarter, 91 days	3d & 4th quarters, 92 days.	Days.	1st quarter, 90 days.	2d quarter, 91 days.	3d & 4th quarters, 92 days.	Days.	1st quarter, 90 days.	2d quarter, 91 days.	3d & 4th quarters, 92 days.
1	\$1 39	\$1 37	\$1 36	32	\$44 44	\$43 96	\$43 48	63	\$87 50	\$86 54	\$85 60
2	2 77	2 75	2 72	33	45 83	45 33	44 84	64	88 89	87 91	86 96
3	4 16	4 12	4 08	34	47 22	46 70	46 20	65	90 28	89 29	88 32
4	5 55	5 49	5 43	35	48 61	48 08	46 55	66	91 67	90 66	89 67
5	6 94	6 87	6 79	36	50 00	49 45	48 91	67	93 06	92 03	91 03
6	8 33	8 24	8 15	37	51 39	50 82	50 27	68	94 45	93 41	92 39
7	9 72	9 61	9 51	38	52 78	52 20	51 63	69	95 84	94 78	93 75
8	11 11	10 99	10 87	39	54 17	53 57	53 00	70	97 23	96 15	95 11
9	12 50	12 36	12 23	40	55 56	54 95	54 35	71	98 62	97 53	96 47
10	13 88	13 74	13 59	41	56 95	56 32	55 71	72	100 00	98 90	97 83
11	15 28	15 11	14 95	42	58 34	57 69	57 67	73	101 39	100 27	99 18
12	16 66	16 48	16 30	43	59 72	59 07	58 42	74	102 78	101 65	100 54
13	18 06	17 86	17 66	44	61 11	60 44	59 78	75	104 17	103 62	101 90
14	19 44	19 23	19 02	45	62 50	61 81	61 14	76	105 56	104 40	103 26
15	20 83	20 60	20 38	46	63 89	63 19	62 50	77	106 95	105 77	104 62
16	22 22	21 98	21 74	47	65 28	64 56	63 86	78	108 34	107 14	105 98
17	24 61	23 35	23 10	48	66 67	65 93	65 22	79	109 73	108 52	107 34
18	25 60	24 72	24 46	49	68 06	67 31	66 57	80	111 11	109 89	108 70
19	26 39	26 09	25 81	50	69 45	68 68	67 93	81	112 50	111 26	110 95
20	27 77	27 47	27 17	51	70 84	70 05	69 29	82	113 88	112 64	111 41
21	29 17	28 85	28 53	52	72 23	71 43	70 65	83	115 28	114 01	112 77
22	30 55	30 22	29 89	53	73 62	72 80	72 01	84	116 66	115 38	114 13
23	31 94	31 59	31 25	54	75 00	74 18	73 37	85	118 05	116 76	115 49
24	33 33	32 97	32 61	55	76 39	75 55	74 73	86	119 44	118 13	116 85
25	34 72	34 34	33 98	56	77 78	76 92	76 09	87	120 82	119 51	118 21
26	36 11	35 71	35 32	57	79 17	78 30	77 45	88	122 22	120 88	119 57
27	37 50	37 09	36 68	58	80 56	79 67	78 80	89	123 61	122 25	120 92
28	38 89	38 46	38 04	59	81 95	81 04	80 16	90	125 00	123 63	122 28
29	40 28	39 83	39 40	60	83 34	82 42	81 52	91	.....	125 00	123 64
30	41 67	41 21	40 76	61	84 73	83 79	82 88	92	.....	.....	125 00
31	43 06	42 58	42 12	62	86 11	85 16	84 24	.....	.....	.....	.....

## Circular.

TREASURY DEPARTMENT,  
SECOND COMPTROLLER'S OFFICE.

Washington, March 1, 1864.

The rules for the computation of time in making payments to employés of the government having been so construed as in many cases to operate unjustly against the government, the following have been adopted and will be observed, when applicable, in all payments made hereafter:

1. The law providing compensation having ignored unequal durations of months, by allotting the same pay to each; and the pay tables having, for convenience, subdivided each month's pay into thirty equal parts, thus paying, in twelve months of thirty days each, the full salary provided by law for the entire year, the months should be assumed, in computing pay, as they are by law, to be of equal length, any other duration than thirty days being ignored.

2. To conform with the foregoing, to secure greater accuracy in computation, and to save the trouble and delay of four distinct calculations of monthly pay in hereafter computing the time of service of government officers and employés, thirty days will be assumed as the length of each and every month in the year.

3. For any full month's service performed by persons employed by the government at a stipulated monthly rate of compensation, (or yearly salary, if paid in regular monthly or bi-monthly installments,) payments will be made at such stipulated monthly rate, without regard to the number of days the months paid for may contain.



4. In cases when the service *commences* on an intermediate day of the month, and thus embraces only a fractional part thereof, thirty days will be assumed to constitute the entire duration of such month, whether the calendar length thereof be 28, 29, 30, or 31 days, and pay will be computed accordingly.

5. When the service *terminates* at an intermediate day of the month, and hence embraces but a fractional part thereof, the whole number of days during which service was rendered in such fractional part of a month will be allowed in making payments.

6. For convenience in calculating service embracing two or more months, or parts of months, but one fraction will be made. Thus, from the 21st of September to the 25th of November, *inclusive*, will be calculated—from 21st September to 20th October, *inclusive*, as one month; from October 21 to November 20, *inclusive*, another month; and from 21st to 25th November, *inclusive*, five days—making two months and five days.

7. When two fractions of months occur in any account for service, both together being less than a whole month, as from the 21st of August to the 10th of September, the calculation of time will be from August 21 to 30, *inclusive*, (ignoring the 31st,) ten days, and from the 1st to the 10th September, *inclusive*, ten days—making the time to be paid for twenty days.

8. Service commencing in February will be calculated as though that month contained thirty days; thus, from February 21 to end of month, *inclusive*, ten days will be allowed, though the actual time be but eight or nine days: *Provided*, that when service commences on the last day of February, payment will be made for only one day in that month.

9. The foregoing rules do not apply to commutation of rations, nor to laborers employed at a per diem allowance. In computing them, the actual number of days are to be ascertained and allowed.

10. Laborers employed by the month and actually performing their first day's labor on the 31st day of any month, will be paid for that day.

11. Soldiers rendering little or no service on the day of enlistment or discharge, payment for both by the government is unjust. The day of discharge, therefore, will hereafter be allowed, and the day of enlistment excluded.

12. Individual pay accounts and company and staff pay rolls should distinctly specify the exact time during which officers actually rendered service, under authority entitling to pay, in the grade for which pay is claimed.

13. When accounts are hereafter rendered for service stated to have been performed from one given date to another, one of the days named will be excluded, unless it is specified or clearly shown by the form of the account that the service rendered was "*inclusive*" of both.

J. M. BRODHEAD,  
*Comptroller.*

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*Circular.*

TREASURY DEPARTMENT,  
*Second Comptroller's Office, February 9, 1869.*

The attention of all disbursing officers and agents of the United States, especially of those on the Pacific coast, whose accounts are settled through the Second, Third, and Fourth Auditors' offices, is called to the provisions of the last clause of the 21st section of the act of August 6,



1846, entitled "An act to provide for the better organization of the treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," (9 Stat., 65,) which is as follows:

"No officer of the United States shall, either directly or indirectly, sell or dispose to any person or persons, or corporations, whatsoever, for a premium, any treasury note, draft, warrant, or other public security, not his private property, or sell or dispose of the avails or proceeds of such note, draft, warrant, or security, in his hands for disbursement, without making return of such premium, and accounting therefor by charging the same in his accounts to the credit of the United States; and any officer violating this section shall be forthwith dismissed from office."

These provisions are construed to apply to sales of coin, or drafts payable in coin, for a premium in "lawful money" of the United States, or bank notes used as currency; and such premium is held to be "public money" within the intent and meaning of the act of Congress approved June 14, 1866, entitled "An act to regulate and secure the safe-keeping of public money intrusted to disbursing officers of the United States." (14 Stat., 64.)

Therefore, all such disbursing officers and agents of the United States who shall receive coin, or drafts payable in coin, for disbursement, are instructed to render separate abstracts of the amounts so received and disbursed by them; and in transferring specie funds and making payments the receipts therefor should show that they were made in coin. And in all cases where coin, or a draft payable in coin, has been received and sold, or exchanged for "lawful money," or bank notes used as currency, at a premium, disbursing officers and agents are required, in making up their accounts for rendition and settlement at the treasury, to charge themselves with the full amount of the premium on all such sales, and account for the same as "public money" received.

J. M. BRODHEAD,  
*Comptroller.*









Deacidified using the Bookkeeper process.  
Neutralizing agent: Magnesium Oxide  
Treatment Date: March 2010

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